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THE  
ANNALS OF NATAL.

---

1495 TO 1845.

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BY  
*JOHN BIRD,*  
*late*  
*LATE OF THE CIVIL SERVICE, NATAL.*

---

VOL. II.

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PIETERMARITZBURG  
P. DAVIS & SONS, LONGMARKET STREET.

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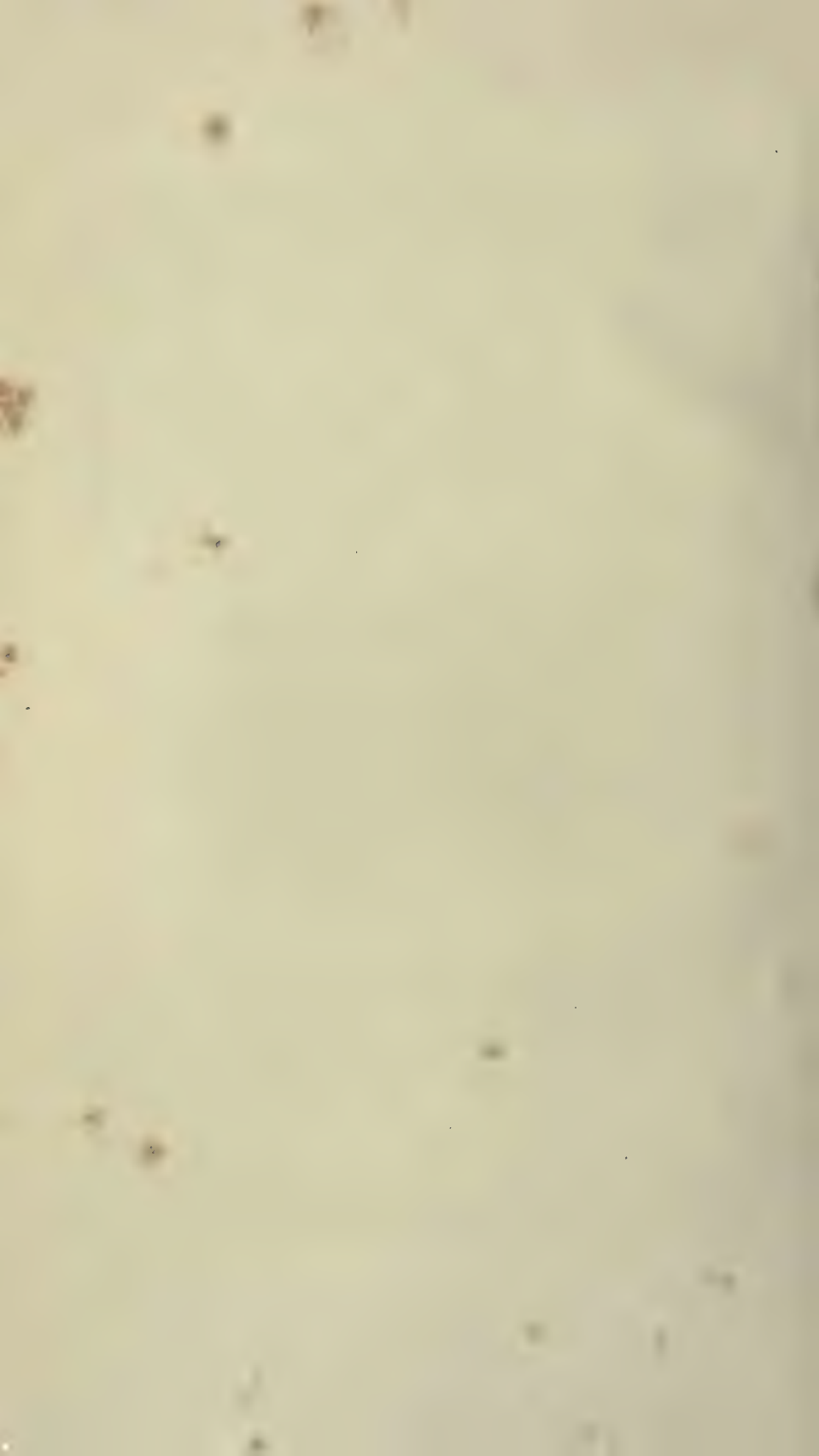


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## SECTION IV.

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1842.

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### EXTRACT FROM CLOETE'S LECTURES.

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[May-June, 1842.]

**B**UT if the planning and execution of this untoward movement are justly open to the severest censure, it is equally due to Captain Smith to add that his exertions, his perseverance, and the example set in the time of distress, entitle him to the greatest praise. Reduced to nearly one-half of his original strength by this misfortune, and expecting every moment an attack on his camp, he applied next morning early for a truce of twenty-four hours to bring in and bury the dead. This having been readily granted, he was indefatigable in putting his camp into a posture of defence. The numerous wagons he had brought with him were immediately so arranged as to fortify the place—somewhat in the fashion of a Boer's "laager"—and the soft and sandy nature of the soil enabled him with the aid of all the non-combatants to dig a trench and throw up a mound around the camp, by which the troops were in some measure protected. But the commanding officer also perceived that his only chance of relief depended upon the rapid transmission of intelligence to the authorities in the Cape Colony. He consulted some of the principal Englishmen then resident at D'Urban, and he happily found in your present worthy and worshipful mayor (G. Cato) a faithful adviser, through whom means were devised to expedite the immediate intelligence to the Cape Colony.

Richard (commonly called Dick) King, then living in a hut at D'Urban, at once offered to take the despatch (of which I have just given the substance) personally to Graham's Town. The following

night he was supplied with two troopers, and the moment night had spread darkness around, Mr. Cato got Dick King and the horses across the bay to the bluff, where King, mounting on one horse and leading the other, soon reached the Umlaas, and before daybreak crossed the Umkomanzi, where he was safe from further pursuit, and wended his perilous journey across Kafirland. \* \* \*

Feeling the importance of this mission, he got through the Amabaka and Amaponda countries at the extreme peril of his life; and on the ninth day reached Graham's Town in an almost exhausted state.\*

On the receipt of this sad intelligence, the Lieutenant-Governor on the frontier (Colonel Hare) immediately despatched the grenadier company of the 27th Regiment to Port Elizabeth, where they were embarked in the schooner, the "Conch," then fortunately lying there at anchor, under the command of our present port-captain (Capt. Bell), who had already visited and was well acquainted with the harbour of Natal; and Sir George Napier, upon receiving the same painful account, at Cape Town, had fortunately at his disposal the 25th Regiment, which was then only awaiting transports to take them on to India, but which might not be expected for some weeks. Admiral Percy (the Admiral on the station) at once gave up his flag-ship, the "Southampton," of 50 guns, for the proposed expedition: and my worthy and excellent brother, Colonel (now Sir Josias) Cloete, having been placed in command of the whole force, the 25th Regiment were marched and embarked at Simon's Town, and in an incredibly short space of time, on the 24th June, exactly one month after the day of Captain Smith's disaster, the "Southampton" arrived off the bar, and found the "Conch," which had anchored off the bay the day preceding; and as the evening fell, rockets and blue-lights were immediately thrown up to cheer the besieged with the hope of instant relief.

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[CLOETE'S LECTURES, p. 123.]

The very next month after their protest had been transmitted to Sir George Napier, a Dutch vessel, called the "Brazilia," anchored in the Port of Natal, and the supercargo, a Mr. Smellekamp, who is now residing in the Orange Free State (as it is now † called),

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\* He was at one time surrounded by the Amabakas, who, mistaking him at first for a Dutch emigrant farmer, were about to take revenge for the attack made upon them by Pretorius; but he, happily, could make himself understood, and explained his errand, upon which they allowed him to pass.

† 1855.



informed the emigrant farmers upon his arrival that a number of merchants in Holland had taken a deep interest in their affairs, and had dispatched this vessel for the express purpose of opening a direct trade with their country, and supplying them with "notions" of Dutch produce and manufacture. This arrival, and the display of the Dutch flag, aroused in all the emigrant farmers the most extravagant affection for the country and people to which most of them traced their descent. Mr. Smellekamp was received at this place with triumphal honours. Public dinners were given him, the Dutch flag became the ensign of the new Republic; and Mr. Smellekamp led away by the enthusiasm with which his arrival had been greeted, gave the inhabitants of Natal the most exaggerated ideas of the power and influence of Holland in the council of nations: moreover, assuring them of the sympathy and support of the King of Holland, and finally entered into a formal treaty with the Volksraad, assuring them of the "protection" of Holland, to which he affixed his signature in these terms:—"Accepted in the name of the King of the Netherlands, subject to His Majesty's formal approval." He further gave them the strongest assurances that they would soon be provided with *ministers* and *schoolmasters* for the improvement of their moral condition, and with *arms* and *ammunition* to repel any hostile attack with which they might be threatened.

I cannot give a more striking illustration of the manner in which the Volksraad were misled on that occasion, as to the support they expected from the King of Holland, than by relating the following anecdote:—Some days after my arrival here, in June, 1843, I had an interview with several leading members of the Volksraad, in the course of which I happened to allude to some political measures going on in Europe, and to state that such a measure was under the consideration of the *five* great Powers to which I had alluded; whereupon I was at once asked by the spokesman which were these five *great* Powers to which I had alluded. I replied that those Powers were England, France, Russia, Austria, and Prussia. The querist at once exclaimed, "And is not Holland one of them?" This compelled me to enter at some length into the modern history of Europe, and to explain to them how Holland had, since 1830, by the rebellion and subsequent formation of Belgium into a separate kingdom, dwindled into a *third-rate* Power of Europe; when the spokesman significantly and bitterly replied, "*We were never told that before, but the very reverse.*"

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More than a year before this time,\* His Excellency† had disclosed to me (being then a member of the Legislative Council at the Cape), in the most frank and confidential manner, his views in regard to this district; and when his correspondence with the emigrant farmers assumed a somewhat serious aspect, after their attack upon Ncapai, His Excellency even proposed to me to undertake a mission to this country, which he was anxious to confide to me; but I at once respectfully declined the offer, stating that so long as the Home Government had not determined upon its final course in regard to this question, I could never hope to accomplish anything satisfactory to either party. His Excellency still continued to communicate to me every step in the correspondence and relations between the two countries, and the views of Her Majesty's Government upon the subject; and in the month of January, 1841, His Excellency had already in the fullest manner explained to me his policy in regard to this question. In the month of April, 1842, His Excellency informed me that the necessary arrangements having been now entirely completed, Captain Smith had by the last post announced his departure from the Umgazi Camp, on his march to Natal. I could not help replying that I deeply regretted to hear this news, as I anticipated the most deplorable results from such a movement. Upon His Excellency's pressing me for a further explanation, I at once said that I understood the Captain's force to consist of 250 infantry, besides a small party of the Cape Corps, and two field-pieces, encumbered moreover by a numerous wagon train; that such a force appeared to me just sufficient to show a hostile intention towards the emigrant farmers, without being sufficient to ensure success if hostilities should ensue, as they certainly would; and that if the farmers were to be aware of the march of the troops, there was not a "kloof"‡ or a "drift,"§ which the latter would have to pass, where they might not be cut off without a chance of even making an effectual resistance. Upon His Excellency then asking me what steps I should propose, I stated that if it were intended to take possession of the Port, this should be done from the sea, and the troops landed from vessels, which might at once put them on shore. His Excellency, however, replied that he had been informed that the entrance to the bay was defended by field-works, which would render the landing dangerous—and, in short, that the measure under discussion had already been decisively settled by the

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\* 1842.    † Sir George Napier.    ‡ Ravine, or rugged valley.    § Ford.



troops having passed into the Amaponda country. But the substance of this interview was forgotten neither by His Excellency nor by myself when the disastrous events which I am about to refer to became known in Cape Town.

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### EXTRACT FROM A NARRATIVE

COMMUNICATED BY DEPUTY-COMMISSARY-GENERAL W. PALMER.

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[May-June, 1842.]

General orders and military despatches have been published, purporting to give the particulars of occurrences up to the time of our being besieged in the camp at D'Urban. The siege was protracted: it lasted a month. The stores and provisions of every kind were soon exhausted. For three weeks the men had no sustenance but half-a-pound of dried horseflesh each man for a day. The crows that perched on the dead carcasses of horses round the camp were shot frequently and numerous, and were eaten chiefly by the women and children.

After the disaster of the night of 23rd May, Richard King, who had for some time been a resident in the neighbourhood, was despatched to carry the intelligence to Graham's Town. I believe that he volunteered for the performance of this service; and it was a bold and venturesome undertaking. Two of the best horses in the detachment of Cape Mounted Rifles were supplied for his use. At dusk in the evening he was taken over in a boat by Mr. Cato—the horses swimming at the stern—from the inner shore of the bay to the bluff. He knew the language and the foot-ways or tracks of the country. Between the Umkomanzi and Umzimkulu he was pursued by some of the Boers, of whom a few were in that part of the district, but he was not overtaken. He delivered his despatches at Graham's Town, having most expeditiously performed a long and difficult journey through a country in great part uninhabited. No natives were then living between Port Natal and the St. John's River. There were mission stations between, about twenty miles beyond the St. John's; but between these and the Kei River the country was devoid of inhabitants.

## EXTRACT FROM A LETTER

OF CAPTAIN LONSDALE, 27TH REGIMENT (SEVERELY WOUNDED ON THE NIGHT OF 23RD MAY), TO HIS MOTHER.

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[May-June, 1842.]

We all slept in the trench this night (31st May). Next morning we were awakened by a shot from one of the great guns passing just over our heads.

The firing continued as usual until about 12 o'clock, when a flag of truce came to the camp, to say that the women and children might leave the camp and go on board one of the ships in the bay. After a little consideration, Margaret consented to go with the children, for they could not be of any use in the camp; and how were they to live in the camp when we ran short of provisions? So they were escorted to the shore by some of the Boers. Part of the way they went in a large wagon: they were also very polite, and some of them wanted to know if Margaret was old Captain Smith's "vrouw."

\* \* They went on board the "Mazeppa," which was at this time, as was also the other vessel, in the possession of the Boers, who used to go on board when they pleased.

On the 10th June, the "Mazeppa" slipped her cable and put out to sea, but not before she received a salute from the Boers at the Point; but she did not receive any injury. After Margaret and the children left, which they did in such a hurry that they had not a change of clothes, the Boers continued the attack, and they made trenches all round us, so that no one could go outside the camp, or into a tent, without having a shot fired at him. We never returned the fire at random, but only when we had a chance of doing some execution. We sent out a party early in the morning of June 18th to fill up some of their trenches, and when our party came to it the Boers were alarmed. They fired one round, which killed Ensign Prior, of our regiment, and two men. Our fellows did not give them time to load again, but rushed into the trench and bayonnetted almost all of them. At this time nearly all our provisions were gone. We were living on our horses and biscuit-dust—six ounces of the former and four of the latter per day. Sometimes we had a little corn. We dug a well in our camp, but the water was bad. Sometimes it was difficult to cook our little provisions for want of wood. The wounded suffered very much, as the doctor had nothing in the

way of medical comforts. I was lying in the trench twenty-seven days, hardly able to move, and with not so much as a jacket on.—  
(*Quoted in Holden's History.*)

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### STATEMENT

MADE TO REV. W. C. HOLDEN BY MR. JOSEPH CATO, IN CHARGE OF  
THE "MAZEPPA," 90 TONS, IN THE BAY OF NATAL.

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"June 10th, 1842, four o'clock p.m.—Slipped both our anchors, and made all sail to cross the bar, before the Dutch guard placed at the Point could muster to oppose our departure. The wind failing us off the Sandspit, gave the farmers the advantage; eighty of them got down before we could round the Point, armed with muskets and a four-pounder. The tide making in strong flood, at about four knots an hour, with light winds, made our progress very slow, and we became quite a target for them to fire at. For a short time they did us great damage in the rigging, their muskets being those used for elephant-shooting, some of them four balls to the pound, and our distance from them not being more than thirty yards. The breeze at length freshened, and we happily got out safely without any loss of life."

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### DESPATCH FROM SIR GEORGE NAPIER

TO THE RIGHT HONOURABLE THE LORD STANLEY, SECRETARY OF STATE.

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Government House, Cape of Good Hope,  
13th June, 1842.

MY LORD,—I have the honour to transmit three reports addressed to Colonel Hare by Captain Smith, 27th Regiment, commanding a force of 263 men, including all ranks, two light field-pieces, and one howitzer, with which that officer marched from the Umgazi Camp on the 1st April last, for the purpose of taking military possession of Port Natal, according to the instructions issued by me to him, copy of which was transmitted to your Lordship in my despatch No. 35, of the 4th February, and in pursuance of the orders which I received from your Lordship's predecessor, Lord John Russell, to which my despatch No. 136, of the 6th December, 1841, more fully refers.

The two first reports contain such ample details of Captain



Smith's march from the Umgazi Camp to Natal, that I need only advert to the last report, dated 25th May, received by me the day after that of the 14th May, and which gives the details of an unsuccessful attack made on the night of the 23rd May against the hostile emigrant farmers encamped on the Congella River.

The emigrants followed up their advantage by several attacks on Captain Smith's original position, where he had left a large portion of his force, and to which he retired. These attacks were spiritedly repulsed by Her Majesty's troops until daybreak, when the emigrants retired to their position on the Congella.

Captain Smith and the officers and troops under his command appear to have behaved with great steadiness and gallantry under the trying circumstances in which they were placed, and I have every confidence that the courage, steadiness, and ability of an officer of such experience as Captain Smith will enable him to extricate himself from his present position, and to retain possession of the post until the arrival of reinforcements.

I enclose the return of casualties, and regret to say that Lieutenant Wyatt, of the Royal Artillery, a promising young officer, was killed, and Captain Lonsdale, 27th Regiment, severely wounded, and Lieutenant Lennard, 27th, slightly.

I shall immediately take steps to reinforce Captain Smith from this garrison, as the Lieutenant-Governor, Colonel Hare, informs me he cannot spare any troops from the frontier; and as soon as the arrangements are made, I shall acquaint your Lordship accordingly.

I have the honour, &c.,

(Signed) GEORGE NAPIER.

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#### DESPATCH FROM SIR GEORGE NAPIER

TO THE RIGHT HONOURABLE THE LORD STANLEY, SECRETARY OF STATE.

---

Government House, Cape of Good Hope,  
13th June, 1842.

MY LORD,—With reference to my despatch No. 114, of this day's date, I have the honour to state that His Excellency the Admiral, Sir Edward King, on my representation, has with the greatest promptness agreed to embark on board Her Majesty's ship "Southampton" part of the troops I have deemed it necessary to despatch forthwith to Port Natal for the reinforcement and security of Captain Smith's

detachment at that place. The remainder will embark on board the brig "Maid of Mona," which I have taken up for transport of troops, stores, provisions, &c., according to the enclosed statement, which will put your Lordship in possession of the amount of force and all other details.

I have given the command of the expedition to Lieutenant-Colonel Cloete, Deputy-Quartermaster-General, an officer whom I deem peculiarly calculated for this command, from the circumstance of his long experience in the colony, of which he is a native, and his perfect knowledge of the language, habits, customs, and feelings of the Dutch colonists, to which class the emigrant farmers or Boers belong; and, acting upon the instructions I have laid down, a copy of which is enclosed, I feel confident he will fully carry out my wishes, and, if possible, bring these misguided and ignorant subjects of Her Majesty to a proper sense of their present perilous position and wrong doings.

The Lieutenant-Governor has acquainted me that he does not consider it safe to reinforce Captain Smith from the troops in the Eastern Districts, as he cannot spare them. This renders it absolutely necessary to send five companies of the 25th Regiment from this garrison, leaving only one company to do all the duties here; but as the emergency of the case is so evident, I feel confident your Lordship will approve of the steps I have taken, and the heavy responsibility I have incurred, in thus, I fear, interfering with the arrangements as to the 25th Regiment proceeding to India, according to the orders I received by the last ship from England, desiring me to have that regiment held in readiness to embark, in such tonnage as may be provided for it. My hope, however, is that ere the tonnage arrives the affair of Natal will be settled, and that most, if not all, of the troops will be on their way back to headquarters in the "Southampton."

I may also state that, should any regiment, or part of one (say the three companies of the 91st from Saint Helena), be sent here, I shall immediately relieve, as far as possible, that part of the 25th which may be left at Port Natal, so as to get them here in time to embark for India.

In short, my Lord, everything shall be done on my part, as far as my limited means permit, to accomplish the object of this expedition within the shortest time possible, as I am well aware of the importance of forwarding the views of Her Majesty's Government as to the operations in India.

Trusting that your Lordship, upon perusal of my three despatches of this date, will admit that the difficulties in which I am at present placed are considerable, I venture to solicit your approval of the measures which I have taken on this occasion.

I have the honour, &c.,

(Signed) GEORGE NAPIER.

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Enclosure 1.—Return of the force despatched to Port Natal under the command of Lieutenant-Colonel Cloete.

Enclosure 2.—Instructions for Lieutenant-Colonel Cloete, commanding the troops proceeding to Port Natal.

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### DESPATCH FROM SIR GEORGE NAPIER

TO THE RIGHT HONOURABLE THE LORD STANLEY, SECRETARY OF STATE.

---

Government House, Cape of Good Hope,  
13th June, 1842.

MY LORD,—In connection with the subject of my despatches Nos. 114 and 115 of this date, I have now the honour to transmit the copies of some correspondence which has taken place between Captain Smith and myself, relative to the proceedings of the Volksraad, or Council of the People of Natal, together with a copy of a letter addressed to me by that body, dated the 21st February last, as also copies of the subsequent communications from Captain Smith which tend to throw any light upon the state of feeling among the emigrants.

To the letter of the Volksraad I made no reply, conceiving that the tone thereof was so objectionable, that, without compromising the dignity of the British Government, I deemed it impossible to return any answer likely to produce a salutary or conciliatory effect.

That the Boers would have been so misguided as to subject the troops to such annoyances as would make it necessary to have recourse to arms, I never seriously apprehended; that they would write manifestoes, and either submit with great unwillingness, or retire from the neighbourhood of Natal, I never doubted; and I still feel confident that, unless the Dutch vessel mentioned in some of the correspondence now enclosed, had made her appearance, the farmers would not have been excited to place themselves in a



position which may unhappily preclude an easy adjustment of the difficulties which surround this question.

It is probable, and I should say most likely, that neither the captain nor the supercargo of the "Brazilia" have been so much implicated, or have said so much, as has been attributed to them; but, be this as it may, it is right that your Lordship should be acquainted with all the circumstances connected with that vessel, so far as they have come to my knowledge.

The Boers are ignorant and credulous, and give ear to every story, no matter how absurd, provided it is told to them by those in whom they confide; it is therefore natural to conclude that the sayings of these foreigners were either exaggerated, or that, in order to give themselves a little additional importance on the occasion, they did assume to themselves the semblance of powers with which the Dutch Government never invested them.

I regret, however, that to the arrival of that vessel, and to the consequent excitement produced, is to be attributed the annoyances offered to the troops between the 17th May and the date on which the action was fought.

I lost no time in communicating to the Admiral commanding on this Station the intelligence I had received relative to the "Brazilia;" but even if he had been able to despatch a vessel of war, the time was too short to enable her to reach Natal prior to the departure of the "Brazilia," or even to the 22nd ultimo.

The letters of Mr. Cowie, who has been for some years at Port Natal, and always well affected towards Her Majesty's Government, show that up to a late date he never anticipated the probability of an armed resistance. Mr. Cowie is married to a daughter of a Dutch Boer, and has a considerable influence among a portion of the farmers; his information is therefore, I believe, pretty correct.

The instructions which I have given to the officer in command of the detachment sent to the relief of Captain Smith, a copy of which is transmitted in my despatch No. 115, are purposely framed with as much generality as possible. There are so many difficulties connected with the law as regards the treatment and punishment of those who may be caught in arms, to some of which Mr. Justice Menzies has adverted in his letter of the 12th instant, a copy of which I also enclose, that, after mature deliberation, it appears to me inexpedient to throw upon an officer in command of a military expedition the responsibility of settling questions connected with the laws of nations, which could be more properly settled by the tribunals

of this colony, in the event of any prisoners being transmitted for trial.

Until I receive further accounts from Captain Smith, it is superfluous to occupy your Lordship's time with speculations as to what will be the future course to be pursued. I have ever made, and am still willing to make, every due allowance for the prejudices of these misguided men, and for the wrongs, either supposed or real, which led many of them to abandon the colony. I have been deeply sensible of the hardships they endured during the first few years of their pilgrimage, and therefore I am sincerely grieved that a hostile demonstration should have been made at a time when I was in hopes that Her Majesty's Government would have conveyed to me such instructions as would have enabled me to enter into some definite arrangement with the emigrants.

I shall lose no opportunity of transmitting to your Lordship any further information which I may receive in regard to the state of affairs at Port Natal.—I have the honour, &c.,

(Signed)      GEORGE NAPIER.

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## GENERAL ORDERS.

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Headquarters, Cape Town, 19th July, 1842.

The Commander-in-Chief has great satisfaction in announcing to the troops in this command the complete success of the detachment of Her Majesty's forces sent under Lieut.-Colonel Cloete to reinforce Captain Smith, 27th Regiment, and to relieve that officer and his gallant band from their perilous situation, as well as to retake the Port of Natal. These objects have been attained by the gallantry and determination of British officers and soldiers, assisted and gallantly supported by the officers and ship's company of Her Majesty's ship "Southampton," under Captain Ogle; a combined force which the insurgent Boers could not withstand one moment, having fled as soon as the troops landed,—thus showing the impossibility of these rebellious subjects of Her Majesty being able to stand against the united bravery and loyalty of British sailors and soldiers.

The Commander-in-Chief takes this opportunity of thanking Lieut.-Colonel Cloete, commanding; Major D'Urban, second in command; Lieutenant Maclean, commanding Royal Artillery; and the rest of the officers, non-commissioned officers, and soldiers of the

expedition—including Captain Durnford, 27th Regiment, and the officers, non-commissioned officers, and soldiers of the detachment under his orders, sent by Colonel Hare from Port Elizabeth, for their spirited and gallant conduct as reported by Colonel Cloete.

The Commander-in-Chief deems it his especial duty to call the attention of the troops under his command to the admirable conduct of Captain Smith, 27th Regiment, and the whole of the officers, heads of department, and privates of the detachment under that officer's command, consisting of two companies of the 27th Regiment, and parties of the Royal Artillery, Royal Sappers and Miners, and Cape Mounted Riflemen. The firmness, excellent discipline, and gallantry displayed by that little band of British soldiers and their commander, under a constant and heavy fire from the insurgent Boers, as well as the severe privations they endured for one month previous to their relief by the force under Colonel Cloete, is a fresh proof of the indomitable courage and loyalty which ever animate the breast of the British soldier, and will show the rebel Boers the folly and hopelessness of their being able to withstand the power of the British Government.

The Commander-in-Chief also takes this opportunity of thanking Captain Ogle, Commander Hill, and the officers and sailors, as well as Lieut.-Col. Hughes and the Royal Marines, of Her Majesty's ship "Southampton," for the kindness shown by them to the troops while on board, and their active and gallant co-operation in the landing.

The Commander-in-Chief feels assured that the troops will, equally with himself, lament the loss of Lieut. Wyatt, Royal Artillery, and all their brave comrades, who have fallen by the fire of the insurgents in their various attacks upon Captain Smith's camp; but as they lived good soldiers, so have they gallantly died, doing their duty as loyal subjects and faithful Christians.

(Signed) GEO. NAPIER, Captain,  
Acting Deputy-Quartermaster-General.



## GOVERNMENT ADVERTISEMENT.

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Colonial Office, Cape of Good Hope,  
16th July, 1842.

His Excellency the Governor has been pleased to direct the following despatches from the Officer commanding Her Majesty's troops at Port Natal to be published for general information.

By command of His Excellency the Governor,  
(Signed) J. MOORE CRAIG,  
Acting Secretary to Government.

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Natal Camp, June 30th, 1842.

His Honour Colonel HARE, C.B. & K.H.,  
Lieutenant-Governor.

SIR,—I have the honour to lay before you the following particulars respecting the position of the force under my command since the date of my last despatch until the period of their being relieved, on the 26th of this month, by the troops sent for that purpose from the colony.

Various reports having been brought to me on the 25th May, respecting the intentions of the farmers to make a combined attack on the camp that night, I kept the troops under arms; but nothing transpired until a short time previous to daybreak on the following morning, when volleys of musketry, accompanied by the fire of large guns, were heard at the Point, which post, I regret to say, the Boers carried after a desperate resistance on the part of the detachment stationed there. By this untoward event, an eighteen-pounder, which there had not been time to remove, fell into their hands, as well as the greater portion of the Government provisions landed from the "Pilot." Fortunately, all the powder, with the exception of a small portion for the eighteen-pounder, had been brought to the camp, in which I had caused a field magazine to be constructed. The Engineer stores were also saved, but there being no place at this post wherein the provisions could be protected from the weather, I had been obliged to leave the greater portion at the Point, merely bringing up a few wagon-loads from time to time, as required.

Finding myself thus cut off from my supplies, I resolved to concentrate the remainder of my force in the camp, and there await the

reinforcement which, I made no doubt, would be sent from the colony, on the receipt of the despatch forwarded by me overland on the evening of 25th May, and entrusted to the care of Mr. King.

The farmers having desired the captains of the "Pilot" and the "Mazeppa" to write and express to me their willingness to enter into arrangements for the removal of the troops, which letter reached me the day after the Point fell into their possession, I accepted their proposal for a truce, being desirous of gaining time to strengthen the post as much as possible. During its continuance, they sent in terms so ridiculously extravagant that, although the quantity of provisions in the camp was extremely limited, I immediately broke off all communication with them, being fully determined, sooner than submit, to endure the extremity of privation. I therefore placed the men upon half-allowance, destroyed a small post which I had caused to be erected between the camp and some buildings occupied by the English residents, and made my position as secure as I possibly could with a view to holding out to the last.

Their arrangements being completed, the farmers about 6 a.m. on 31st made a desperate attack on the camp, throwing into it during the course of the day 122 round shot, besides keeping up an incessant fire of musketry. During the course of this day they sent the Rev. Mr. Archbell with a flag of truce, proposing to allow the women to leave the camp, and to send back two wounded men; but this was done merely to gain time to repair some works thrown down by the fire from our batteries. Here I think it right to observe that they were incessantly employed every night in making approaches towards the camp, which were constructed with considerable skill. This the nature of the ground enabled them to do with facility, and from thence a most galling fire was incessantly kept up, particularly on the two batteries wherein I had placed the 18-pounder and the howitzer.

Finding that the few cattle remaining at the kraals were dying, either from wounds or want of sustenance, I directed that they should be killed and made into "biltong," reducing the issue to half-a-pound daily. I also had a well dug in the camp which gave good water, there being a risk in going to the "vley" at night, from whence we had hitherto procured it.

In resuming my detail of proceedings, I may state generally that the attacks on the camp were continued from day to day with more or less spirit by the farmers, who, having soon exhausted their iron balls, fired leaden ones from their large guns, in some instances

sending them with much precision. Our practice from the camp was excellent, a shot from the 18-pounder having dismounted one of their 6-pounders on 3rd instant, besides wounding several of those attached to it.

On the night of the 8th, I sent out a party to destroy some works in our front, which was accomplished without loss. In a subsequent sortie made on the night of the 18th instant we were less fortunate, although the duty was performed with great gallantry, the Boers being surprised in their trenches, and many bayonnetted after a stout resistance. In this attack, which was headed by Lieutenant Molesworth, 27th Regiment, I had to regret the loss of Ensign Prior and two privates of the same corps, who were killed, besides four others being severely wounded.

Upon inquiring into the state of the provisions this day, I found that only three days' issue of meat remained. I therefore directed that such horses as were living might be killed and made into "biltong." We had hitherto been issuing biscuit-dust, alternating with biscuit and rice, at half-allowance. The horse flesh, of which there was but little, we commenced using on the 22nd, and by a rigid exactness in the issues I calculated we might certainly hold out, although without meat, for nearly a month longer, for we had 11 (eleven) bags of forage-corn in store, which I commenced grinding into meal, and by every one contributing what remained of private into the public stock, a tolerable quantity of various articles of sustenance was obtained.

On the night of the 24th, several rockets, apparently from a vessel in the bay, assured us that relief was near at hand: these we answered. On the night of the 25th, the many rockets from seaward assured us that not only was a vessel in the bay, but that she was communicating with another in the offing: a surmise corroborated on the following day by the landing of the party under Colonel Cloete, and their final relief of the post in gallant style, between three and four o'clock in the afternoon. To the dry detail of proceedings I have given, I beg to add a few remarks: and first with regard to our loss. Within the period embraced between the 31st May and 25th June, 651 round shot of various sizes had been fired at the camp, in addition to a continued and watchful fire of musketry; and yet our loss during this period was but one sergeant and two privates of the 27th killed and three wounded; one Cape Rifleman and one civilian wounded; exclusive of the loss I have previously noted as occurring during the sortie on the morning of the 18th instant. The damage



to the wagons and tents, and private as well as public property, was, however, great; for these it was impossible to secure in such a manner as to preserve them from injury.

Among the serious disadvantages I had to contend with, I may mention that the numerous people attached as leaders and drivers to the different wagons, many having large families who required to be fed, hampered me sadly in the trenches; while the vast number of cattle originally with the wagons were a very material encumbrance. These, however, were driven off; for nearly all the Boers (contrary to the opinion entertained in the colony) were mounted, and thence enabled to move with a celerity that baffled nearly every movement that infantry could make against them.

I have thus given a detail of the chief circumstances connected with the command entrusted to me. That it should have been so far unsuccessful, I regret; but the resistance on the part of the farmers since my arrival has been universal: those few who professed themselves friendly having carefully abstained from giving assistance, in most cases using that profession as a convenient pretext for hiding their disaffection from observation. All the property of the English residents the Boers plundered and sent to Pietermaritzburg. They also took out the greater part of the freight of the "Mazeppa" (including the whole of my own property), which they sent to the same place. The prisoners taken at the Point, English residents as well as soldiers, have also been marched thither; and the former have, I understand, been treated with great harshness. After being plundered, the "Mazeppa" escaped from the harbour on the night of the 10th instant.

In conclusion, I beg to state that nothing could exceed the patience and cheerfulness evinced by the troops under the privations they suffered; and I feel satisfied that, had it been necessary to have held out for a longer period, they would have endured their further continuance without a murmur.—I have the honour, &c.,

(Signed) J. C. SMITH, Captain, 27th Regt.

P.S.—I omitted to mention in its place that round shot on the 8th instant broke the carriage of the eighteen-pounder in two places, but we repaired it so as to be perfectly serviceable.—J. C. SMITH.

Port Natal, 28th June, 1842.

To His Excellency Sir G. NAPIER, K.C.B.,  
Governor and Commander-in-Chief, &c., &c.

SIR,—On the 27th I availed myself of a Kafir messenger to report to your Excellency, in a few words, that Captain Smith was extricated and Port Natal in our possession.

It is now my duty to give the details of my proceedings.

Her Majesty's ship "Southampton" arrived and anchored off Port Natal on the night of the 25th instant.

Here was found at anchor the schooner "Conch," with Captain Durnford, 27th Regiment, and a detachment of 100 men, two small howitzers, and some stores, despatched by Colonel Hare from Algoa Bay on 10th instant.

Captain Durnford reported that the insurgent Boers had refused him all communication with Captain Smith (*vide* Enclosure No. 1); that the headlands at the entrance of the harbour were armed with guns; and that the Boers had collected in force to oppose our landing. Signal-guns and rockets were fired from the frigate to intimate our arrival to Captain Smith, and every arrangement made for carrying the place as soon as the tide served and the frigate could be placed so as to cover our landing.

At 2 o'clock p.m. on the 26th instant, the "Southampton" was in position, and the troops were embarked in the boats, which, however, could only take 85 men; 35 had been previously added to Captain Durnford's detachment on board the "Conch." The sea-beach being impracticable, the previous order of attack was changed; and I directed Captain Wells with a detachment of 35 men to land on the first point of the high bluff within the bar, and drive the Boers out of the thick bush, whilst the "Conch," the launch armed with a carronade, and the barge, were to proceed direct into the harbour, land, and take possession of the Port.

A fresh sea-breeze fortunately set into the harbour at the very time of our advance. The "Conch" taking thus the boats in tow crossed the bar at 3 o'clock. Captain Wells landed where directed, when a brisk fire was opened on the "Conch" and boats from both shores—that from the high wooded bluff within twenty yards of the boats; yet in spite of the short range and cross-fire under which the boats had to pass, so quick was our advance aided by both wind and tide, that but little effect was produced by their fire. When opposite the landing place, from which the firing still continued, I ordered

Major D'Urban to land, who immediately jumped on shore, and we rushed to the flagstaff to pull down the colours and give Her Majesty's frigate notice that we were in possession, and to cease firing.

The Boers abandoned their strong ground the instant we landed; yet so thick was the bush and so broken the ground, that, though from the strong fire kept up they must have been in force, yet not half-a-dozen of them were ever seen. I have since learned that the number of Boers who defended the Port amounted to 350 men. Their loss it has been impossible to ascertain.

Having thus seized the Port and landed the men from the "Conch," the troops were immediately formed. Captain Durnford was ordered to enter the bush on the right and drive the Boers before him, whilst I placed myself on a roadway in the centre, Major D'Urban taking the left, along the harbour beach.

In this order we advanced through a bush, the character of which it is difficult to describe, and which might have been held by a handful of resolute men against any assailants.

On reaching the open ground, we found the direction of Captain Smith's entrenched camp by the firing of his heavy gun; we marched upon the point. Captain Smith now threw out a party, and we joined him at 4 o'clock. Having thus executed your Excellency's commands with all military promptitude, by extricating the brave detachment of troops under Captain Smith, I strengthened his post by Captain Durnford's detachment, and directed Major D'Urban to hold Stellar's farm, returning myself to the Port to arrange a post of defence with such of the troops as I expected would have been landed.

The gallantry with which Captain Smith defended his post for a whole month, under no ordinary circumstances of privation, having been reduced to horseflesh for food, closely hemmed in by a desperate and vigilant foe, with no less than twenty-six wounded within his closely confined camp, is highly creditable to him and to his party.

Thus was accomplished within the incredibly short space of one month from the date of Captain Smith's report of his position, the relief of his party at the distance of 1,500 miles from Cape Town, whence the relief was despatched, his communication having had to pass through hostile bands and a savage country.

I have now reported to your Excellency the proceedings which have placed me in possession of Port Natal; and I have kept them distinct from any mention of the Naval co-operation and assistance I received from Her Majesty's ship "Southampton," feeling it to be due to Captain Ogle, commanding, Commaander Hill, and the officers and



seamen of that frigate, that their services to us should be separately noticed, whether as to the cheerful good-will displayed towards us whilst on board, or subsequently in the more important service performed in covering our landing by the admirable practice from the ship's heavy battery, and spirited assistance given us by Captain Hill in command of the boats.

In my order of the day, I have inadequately attempted to express my thanks to those officers, and I should not be doing them justice without repeating it here in the strongest terms. If our success be not absolutely indebted to the opportune presence of the "Conch," to her protection must be mainly ascribed the very small loss we suffered in forcing the entrance.

The troops conducted themselves with the greatest steadiness; and I am much indebted to Major D'Urban for his prompt landing, and the assistance he has afforded me throughout these operations.

I also received the best support from every officer under my orders in conducting these operations; and particularly so from Lieutenant William Napier, who acted as my aide, and has been of the utmost service to me, not only by his spirit in our active operations, but equally by his attention to all details and arrangements so essential on such occasions.

I enclose a return of casualties.—I have the honour, &c.,

(Signed) A. J. CLOETE, Lieut.-Colonel,  
Dep.-Qr.-Mr.-General, Commanding.

P.S.—I also enclose a return of guns and ammunition captured on the 26th.

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[Enclosure No. 1.]

De Generaale Commandant van de Uitgewekene Emigranten van Natal is stellig van mening, hoe ook genaamd, geene correspondentie met het Laager van Kapitein Smith toe te laten.—Den 25 Juni, 1842.

[Translation.]

The General Commandant of the Emigrants of Natal has positively determined to allow of no correspondence with Capt. Smith's camp.

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[Enclosure No. 2.]

MEMORANDUM.

H. M. Ship "Southampton," 26th June, 1842.

The attack on the emigrant farmers' position at Natal will be made in two divisions.

The first under the immediate command of Lieutenant-Colonel

Cloete, who will first cross the bar, force the entrance, and seize the sandy point.

The second division, commanded by Major D'Urban, will land if practicable on the sea-beach, spread himself, take the insurgents in flank, and extend his right towards Captain Smith's camp, with whom he will open a communication.

(Signed) A. J. CLOETE, Lieut.-Colonel,  
Dep.-Qr.-Mr.-General, Commanding.

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[Enclosure No. 3.]

BRIGADE ORDERS.

Port Natal, 27th June, 1842.

Lieutenant-Colonel Cloete, commanding the troops at Natal, has to congratulate the detachment Royal Artillery under Lieutenant Maclean, detachment 25th Regiment under Major D'Urban, and detachment 27th Regiment under Captain Durnford, with the success of the expedition on which they were employed in extricating a detachment of Her Majesty's troops under Captain Smith, closely surrounded by bands of hostile insurgent Boers, against whom they had gallantly maintained their post for a whole month, though reduced to horseflesh for food.

Lieutenant-Colonel Cloete has to thank Major D'Urban and the troops for their steady and spirited conduct in the affair of yesterday.

To the able assistance and spirited co-operation of Captain Ogle, commanding, and Captain Hill, and the officers and seamen of Her Majesty's ship "Southampton," is entirely due the very trifling loss sustained in forcing the entrance into the harbour, in which the troops received the valuable protection of the "Conch," schooner, commanded by Mr. Bell.

2. Correct returns will be sent in immediately of the exact strength of the several detachments composing the forces employed at Natal, with a nominal list of the casualties that occurred yesterday evening.

(Signed) A. J. CLOETE, Lieutenant-Colonel,  
Dep.-Qr.-Mr.-General, Commanding.

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[Enclosure No. 4.]

CASUALTY RETURN.

Return of Casualties during the disembarkation of Her Majesty's troops at Port Natal, on 26th June, 1842:—

Killed: one lance-corporal, 25th Regiment; one private, 27th

Regiment. Wounded: three privates, 25th Regiment, one private, 27th Regiment, and two seamen of H. M. Ship "Southampton." Total: killed, 2; wounded, 6.

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[Enclosure No. 5.]

RETURN OF THE GUNS, AMMUNITION, &C., TAKEN AT PORT NATAL ON  
26TH JUNE, 1842.

1 iron gun, 4-pounder, placed on the north side of the harbour, looking seaward.

1 do. do., 4-pounder, placed on the Bluff point, south side of the harbour, looking seaward.

2 quarter-barrels of powder, L.G.

14 rounds of ammunition, 3 lbs. each, with lead balls weighing 6 and 8 pounds, 14 in number.

(Signed) P. MACLEAN, Lieut.  
Commanding Royal Artillery.

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CAPTAIN BELL'S NARRATIVE.

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WILLIAM BELL, COMMANDER OF THE SCHOONER "CONCH" (1842), AND  
FOR MANY YEARS PORT-CAPTAIN AT PORT NATAL.

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WE sailed from Table Bay with a general cargo for Algoa Bay. I weighed anchor with a moderate northerly breeze, which soon increased to a gale. \* \* \* We consequently had a quick but boisterous passage. \* \* \* My trusty mate had discharged the cargo, and was preparing to take in for the Cape, when one morning Major Selwyn, R.E., came galloping to Port Elizabeth as if he was on some important mission. He went to the hotel and inquired what vessels there were in the bay. In the interval one of the orderlies let out that "all was not right at Natal." My agent, Mr. J. O. Smith, called and told me that there was a rumour that the troops at Natal had been defeated by the Boers. I asked Mr. Smith to go and see Major Selwyn, and to offer my services, if required, as the "Conch" was the only vessel in the bay fit to cross the bar, and I was the only master who had been to Natal. He returned and told me that the rumour was correct, and that he had offered my services, which were gladly received; the Major remarking that I was the very man he wanted, and he wished to see me at



once. I went to the hotel, where he produced Captain Smith's letter, stating that he did not wish to conceal anything from me. It contained all their disasters up to its date, with a sketch of the camp. The Captain wrote in good spirits, considering all things. This I was not surprised at when I afterwards became acquainted with the lion-hearted soldier. The Major at the same time told me that troops had left Graham's Town, and that he expected they would be ready to embark in two days from that time. The news soon reached the "Conch," after which I received a note from the mate, informing me that the crew had been suddenly taken ill. I at once guessed the cause of illness, and took the doctor off with me. I understood the sickness better than the doctor, and reminded them that if they refused duty, or went on shore, Captain Lloyd, Resident Magistrate, a gentleman they dreaded very much, would give them three dozen each. They got a little better after this, but went about their work very doggedly. During the day I observed a great confusion on the beach. Men were discussing the "Natal question." I quite agreed with them that the Boers ought to have a licking; and said if I could get three or four smart young fellows I should go to Natal for that purpose. Three of them volunteered at once. I went to the beach to look for a boat. On reaching the landing place, I found the grenadiers of the 27th Regiment drawn up in line, stowing away a half-aum of "Cape-smoke" that the Commandant had given them, at the same time entertaining the townspeople with songs. After they embarked in the boats, my gallant volunteers were ordered to the front for embarkation. Many efforts were made to discourage me from going, and I was told I was going to serve a Government that would not thank me. After hauling the new hands on board, one of them made a furious attack on the cook: I suppose he took him for a Boer. About midnight the wind came from the north-west, and before daylight we were under weigh, the soldiers cheering the ships in the harbour as we passed them. At 6 p.m. we were off the Kowie, where we fell in with the schooner "Margaret," bound to Algoa Bay, and which had been reported lost. Here one of the volunteers came on deck for the first time; he looked very wild, and enquired the name of the vessel, and where she was bound to, which caused some amusement. We had to contend against adverse winds and currents, and only reached Natal after a passage of thirteen days. Nevertheless, the time passed merrily, as the old 27th produced a fine lot of soldiers and officers. On sighting the bluff, I told Captain Durnford, commander of the troops, that we

could not enter the harbour with the wind then blowing, and that we should be obliged to anchor in the outer roads, and wait for a fair wind. He asked me if I could devise a plan to get some of the Boers on board. I proposed that the soldiers should go below, when a few miles to the westward of the bluff, in which the Captain concurred. The men were then ordered below, which was cheerfully obeyed, leaving the hatches off, to give them as much air as possible. The officers, in plain clothes, remained on deck. On coming round the bluff, we were soon convinced that the rebels were in full possession of the harbour and entrance, and could distinctly hear firing between the Boers and the troops at the camp. There was also a vessel in the harbour, which proved to be the brig "Pilot," of Cape Town, which had been taken possession of by the Boers. We came to anchor in the usual way, making it appear that we were unconscious of what was going on. We waited for some time, but finding that no boat came out, we lowered ours, and prepared to go in with the "flag of truce." They had just pushed off when a boat was observed coming: we therefore called our boat back. All this time the soldiers were below, almost suffocated. As the boat approached, I observed two persons sitting; and as I expected them to be of some importance, I went to the gangway to receive them. As the boat neared the ship, I observed one of them to be the Port-captain;\* the other, although previously acquainted with, I did not know at first sight, on account of his rich uniform. He proved to be the "military secretary." It would take me too much time to describe the costume, but Bowler took a very good sketch from description. They came alongside in very good spirits; but when they reached the top of the ladder, where I received them, I shall never forget their surprise and change of countenance. The first thing that met their view was the grenadiers sitting in the main hatchway as thick as bees. The Port-captain had sufficient power of speech left to say that he was a friend to the English: but at the same time I could see that he was much embarrassed by the position he had placed himself in. All this time, Captain Durnford and the other officers were enjoying the way in which I welcomed them on board. The military secretary never got many steps from the gangway, but seized the thickest rope within his reach to hold on by; here he was suddenly seized by ague, or some similar disease: it might have been brought on by the close proximity to the ugly

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\* The Port-captain under the Boers was Mr. Edward Morewood, formerly of "Compensation," the pioneer of the sugar cultivation in the colony, now in Brazil.

customers in the hatchway. He called for a drink of water, and was speedily supplied by one of my boys. The Port-captain appeared to have some doubts whether he had made a satisfactory impression on our minds with regard to his feelings towards the English. He gave us a very truthful account of what had occurred subsequent to King's leaving with despatches for the old colony: that Lieutenant Prior and some men had been killed while making an attack on the enemy's entrenchment, and that the camp was in a deplorable state. Horse-flesh, with a little biscuit-dust and a few oats, occasionally shooting a stray crow hovering over the camp for the offal, were a they had for subsistence. The countenances of our visitors brightened up when Captain Durnford told them he required their services to take a letter on shore to General Pretorius. No doubt, up to this time the "hemp neckcloth" and foreyard-arm fully employed their thoughts. The object of the letter was to ask permission to land our doctor to assist Dr. Frazer in the camp, and also to let Captain Smith know that we intended to force the entrance as soon as the wind came fair, and that he must assist us as much as possible. When the letter was ready, they were informed that we should send in a flag of truce on the following day for an answer. We also told them that the 25th Regiment was expected in some other vessel, but of this we had no intimation. After they left, the men were allowed to come on deck. We also sent up a rocket in the direction of the camp to intimate that relief was at hand: but as rockets do not show well by daylight, there was some doubt in the camp as to its being one. Towards evening the firing at the camp increased considerably. As soon as night set in, we sent up another rocket, which was immediately answered from the camp. I was afterwards informed that this caused great rejoicing in the entrenchments. At about eight o'clock the firing decreased to exchanging shots at intervals, which were kept up through the night. Saturday morning dawned with the wind still at south-west and fine weather. During this day, the Boers appeared to be very actively employed within their entrenchments, which commenced about our present marks,\* and extended to the foot of the path leading up to the bluff. At noon, the boat in charge of Mr. Carrell, the mate, accompanied by a sergeant of the 27th Regiment, went in with a flag of truce. On reaching the shore, they were requested to remain in the boat, and not to go further up the harbour. They were asked by the Boers if they had

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\* The leading marks for ships entering the bay.



seen a vessel in the offing, as they (the Boers) could see one from the bluff, which was answered in the negative. About 4.30 the boat returned with an answer to Captain Durnford's letter, and it was to the effect that we could have no communication with Captain Smith's laager. When Captain Durnford read the reply to his letter, he smiled, and remarked that they would have been great fools to themselves if they had complied with the request. Mr. Carrell enquired if we had seen a vessel to the north-east. All eyes were immediately directed to the eastward, where the strange sail was supposed to be, but nothing could be seen. I went to the mast-head, and after a few minutes' scanning the horizon with my glass, I picked her up, the upper part of her topsails only in sight. Notwithstanding the great distance, I could see by her sails that she was a vessel of war, and pronounced her as such. This caused the soldiers to give three cheers. Captain Durnford and I decided on manning the boat and going out to her. By the time the boat was ready the sun had set, but the evening was fine, with a clear blue sky. We left directions to send up rockets every half-hour, as a guide for us to return by. It was necessary to take her bearing before dark, and light our boat lanthorn. At 8 p.m. we reached the vessel, which proved to be the "Southampton," 50 guns, Captain Ogle, from Simon's Bay, with a portion of the 25th Regiment; Colonel Cloete in command. Here I met with two officers of my previous acquaintance—Captain Napier, 25th Regiment, and Captain Maclean, R.A. The former had accompanied the Natal expedition as far as the Umtata,\* but returned to Port Elizabeth, where he embarked on board the "Conch" for Table Bay. Captain Durnford gave General Pretorius' letter to Colonel Cloete. It was written in Dutch, and was translated correctly by the colonel. We were invited to tea, which was readily accepted. At 9 p.m. we left the frigate; it was then calm, but a light breeze sprung up shortly afterwards, and she was guided to the anchorage by the rockets from the "Conch," which she answered with her heavy guns. This convinced Captain Smith that there were two vessels. At 10.30 we reached our ship, and were informed that the firing at the camp had been very heavy during our absence, and that it had suddenly ceased. About 11 p.m. the firing recommenced, and shots were exchanged at intervals throughout the night. About midnight the "Southampton" anchored.

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\* The site of Captain Smith's camp near the Umgazi River, on his march over land to Natal. Captain Bell appears to mean that Captain Napier did not come on with Captain Smith, but returned to the old colony from the Umtata.

Sunday morning, 26th June, commenced with light airs from the south-west. Received a message from Colonel Cloete, requesting me to go on board the "Southampton." On reaching the vessel, a short consultation was held; and landing on the back-beach, previously proposed, was now abandoned, and the bar preferred. I, accompanied by the master of the frigate, took a buoy and anchored it as near the bar as it was considered safe for the "Southampton" to lie. After this duty was performed, both vessels commenced to warp up to the bar. I succeeded in getting the "Conch" so near, that I could give her only about thirty fathoms of chain. The "Southampton" did not reach up to the buoy which we had laid down; but the gale she encountered shortly afterwards showed that she was quite near enough. I was again sent for by the colonel. He appeared to attach some importance to my opinion on this occasion, although he had brought a person from Cape Town to act as pilot, who had been to Natal some ten years previous: for my part, I did not see him, but was told such a person was on board. I do not think his services were made use of in any way. I have no doubt, however, but he would have done his best. We now decided on landing the troops from the "Conch" in the frigate's boats, and that I should pilot them in over the bar.

Lieutenant Turner, R.A., considered our position good, and wished to try the range. I put a spring on the cable, and laid her broadside to the entrenchment, and the second shell apparently caused some confusion amongst the Boers. The "Southampton" followed our example by throwing a few shells on to the bluff. We then ceased firing and waited for the tide to rise.

This sudden cessation, I was told by Major Smith,\* afterwards caused great anxiety in the camp. They feared that we had been beaten back. At noon the tide made, and with it some light air from the eastward. This change of wind altered all our plans, and it was at once decided that the "Conch" should go in, taking the boats in tow. Colonel Cloete asked me if I could take more men on board. I told him I could take fifty, but did not get more than half that number. These I intended to put into the hold, as taking more than one hundred men on deck would be an obstruction to Lieutenant Turner and his men in working the guns. When Major Selwyn inspected the "Conch," he saw that the bulwarks were very low, and that the men would be much exposed. He therefore gave orders to

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\* Captain Bell here speaks of Captain Smith by the brevet-title conferred on him soon after his gallant defence of the camp at Port Natal.

place yellowwood planks on their edge along the rail, to form a temporary topgallant bulwark, leaving the lower end of the plank loose. This piece of engineering we set about, but found ourselves short of plank, and for a substitute ran a line along and threw a few sailors' blankets over it. We found it was of good service. Although it did not resist the bullets, it prevented the Boers from singling out individuals. Still we were indebted to the lightness of the wind for the small loss we sustained. The cockpit was also put in order, and men told off to assist the surgeon in handing the wounded below; but as soon as the firing commenced, these men found their arms, which had been set aside previously, and the surgeon was left to manage the best way he could. All this time the "Southampton's" boats were hanging astern of the "Conch," full of men, with a carronade in the bow of each, and the British ensign aft. Impatient for the onset, I had to pacify them by pointing out the necessity for half-an-hour's more rise of tide to admit us over the bar. At two p.m., gave the order to weigh anchor, but having some doubts of the fidelity of my crew, I told them that the first man that ran, or abandoned the station allotted to him, I should shoot with the pistol I held in my hand. I was so doubtful of them, that I had previously applied to Captain Ogle for a few of his men. They were promised, but through some misunderstanding I never got them. For this threat I was subsequently reprimanded by Sir George Napier, but in a very friendly manner. He said they had not engaged with me for such service. I suppose his son had informed him of the circumstance.

On my previous voyage to Natal, I had made myself acquainted with the way in which the Boers intended to defend the entrance in the event of an invasion; and one of their propositions was to shoot the man at the helm, so that the vessel would run on shore. The "Conch" was now got under weigh. I was at the helm with one of my best men, also a boy. The latter disappeared at the first volley. When questioned about leaving the helm, he said he felt very thirsty, and went down into the hold to get a drink of water. Here the surgeon endeavoured to get him on deck, but he begged to be excused, as he was very frightened, and did not ship on board the "Conch" in order to be shot at. He was but a boy, and therefore was pardoned.

The firing was now at its height, and bullets whistling in every direction. One struck the main-boom, just over my head. This caused me to make a low bow.



When off the marks, two of the boats were cast loose for the purpose of attacking the Boers on the bluff side. Those troops were in command of Captain Wells, 25th Regiment, a fine officer. We were now completely enveloped in smoke; so much so that I found it difficult to see the channel. Here one of the men who had just been shot was brought to the main hatchway for the purpose of being passed into the cockpit; but the surgeon, seeing that the wound was mortal, did not see the necessity of passing him below. At the same time, I observed another man making his way to Captain Durnford, with the stock of his musket in one hand and the barrel in the other, with the iron ramrod very much bent. His musket had been struck by a bullet from the enemy. The doctor could see at once that this man was wounded, and requested him to stop till he had examined the wound. The reply of Pat McCaffrey (for that was his name) was: "Sure, never mind me. Attend to the man that's kilt. I fired tin rounds after I got this, and would have fired tin more if they had not disabled my firelock." The only thing that appeared to trouble McCaffrey's peace of mind was the uncourteous treatment his firelock had received from the Boers. Some men were ordered to take his clothes off, but he very coolly undressed himself, and after taking off his shirt, I could see that the bullet had entered the left breast and passed right through his body, coming out at the back.

We were now rounding the Point, and fast approaching the anchorage, our shells ploughing up the sand-hills and causing a great stir. When off the Engineer's house at the Point, the launch and the remainder of the boats were cast loose and pushed on shore. These boats were under the command of Commander Hill, of the "Southampton," and the troops under Major D'Urban, 25th Regiment—two gallant officers. It is useless for me to single out individuals; for a more perfect lot of officers and men, in both branches of the service, could not be congregated together, and I felt proud of being associated with them upon this occasion. During all this, the "Southampton" was not idle; the shot and shell dropping too close to us and the boats to be pleasant. The troops were now landed; but by this time the Boers were trying their rate of speed through the bush. Orders had been given for the sailors not to leave the boats (orders on board ship are law); but it appears they were not made by the Medes and Persians, for on this occasion they were broken. No sooner had the boats touched the ground, than Jack was out and over the sandhills, cutlass in hand, towards the flag-staff, at the risk of being knocked over by the shot of their own ship.

Some of them turned their attention to horse-catching, all readily saddled-up, and only required the stirrup-cup to make them happy. One of them was handed to Colonel Cloete. The boats were soon alongside the "Conch," which had now anchored, and the troops speedily disembarked. We hauled our boat alongside to assist, but found her so riddled with shot that the water was up to the thwarts. However, by plugging the holes up with pieces of blanket we made her serviceable.

The Inniskillings were no sooner landed than they rushed into the bush like so many bloodhounds, Captain Durnford at their head, and the 25th nothing behind. On my boat reaching the shore, I observed her crew leave her, but after some delay they returned, one of them laden with something bulky on his back. On reaching the vessel, he laid the bundle on deck, requesting me to help myself. The bundle contained a number of overcoats which the Boers left behind in their confusion. On questioning him as to leaving the boat contrary to my request, he hoped I would excuse him, for he and some of the men of the "Southampton" had fallen in with a house, and seeing a table laid with a good dinner, they had sat down and enjoyed themselves, and, as the proprietors were not at home, they had brought away the contents of the house.

The flagstaff of the Boers, being unsupported by any rigging, gave way at the foot when one of the men of the "Southampton" was upon it, taking down the rebel flag, and both came to the ground. A boat's ensign was substituted already for that of the Boers, but in the hurry it was made fast Union down. This caused the firing on board the "Southampton" to cease. I was subsequently informed by one of the lieutenants that they feared we had received some damage, as one of their shells had fallen close to the "Conch." The error made with the ensign was discovered and soon rectified. All the troops were landed, with the exception of a guard and the wounded. The "Conch" was now converted into a hospital ship, and the brig "Pilot" taken possession of by Ensign Manley and a party of men of the 27th. She was made the prison ship. The night set in very dark, and about 9 p.m. the sentinel called me on deck, stating that some one whom he believed to be in the water was calling for me. I could hear some one hailing the "Conch," stating that they had Captain Macdonald, of the "Pilot," in the boat, and wished to be allowed to pass to his vessel, which was granted. The following morning I visited the "Pilot," and found the two gallant men who had conveyed the captain to the ship. They were two

Englishmen, who had taken an active part in the Boer camp against their own countrymen; but the unmilitary style in which their companions retreated from Congella that evening, caused them to think seriously of their own safety, and, seeing Captain Macdonald without a guard, offered to convey him on board his vessel. After being kept in great suspense for about half-a-day, they were released. Wilson undertook to convey a letter from Colonel Cloete to Pretorius, who was then perched on the top of Cowie's Hill. On this occasion rumours got about that Colonel Cloete had lain down in the bottom of his boat to avoid the shot; but I can state that those rumours were not truthful. The Colonel's boat was not towed in by the "Conch," like the others, but rowed in at some distance astern of us; and in place of lying down in the bottom of the boat, as stated, I saw him stand up, waving his cap.

On our passage from Algoa Bay, Captain Durnford informed the officers under his command that, when they entered Port Natal, they must wear shell-jackets and their side-arms, by this arrangement their double-barrelled guns would be unemployed. The captain proposed to Mr. King—which was readily agreed to—that as he must be a good shot, he might have the use of his gun when entering the harbour. She was cleaned up and put in good order, and loaded, but not discharged. To relate the particulars of this would be contrary to the wish of my deceased friend, Major Durnford; we must, therefore, lower it down into the lower hold of oblivion. Mr. King did good service in other ways; and had I been the distributor of rewards, he would have got more than he has got.

This morning we landed the dead and wounded, and I was introduced to the brave Major Smith by Captain Durnford. He was very much reduced by the hardships he had endured: his rigging much chafed and out of order, but his interior remained sterling steel, and he only wanted permission to go against his antagonists. At low water I observed some Kafirs coming towards us from the island. I manned the boat and went to meet them, accompanied by Mr. King. We found on landing that they were old friends of his, and a conversation between them was immediately entered into. Not being a Somseu,\* I could not take any part in it; but at the conclusion Mr. King informed me that the Boers were holding out fearful threats against him and a neighbour of the name of Marais, I believe a coloured man. We now parted company with our sable

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\* The native name for Mr. Shepstone, Secretary for Native Affairs, whose command of the Kafir language is perfect.



friends, and returned to the ship. I had no sooner reached the ship than I saw two horsemen coming from the island at full gallop towards the "Conch." It proved to be Messrs. Cowie and Laas. Cowie had not allowed himself to be taken by the Boers, and had run many risks in assisting Captain Smith. We swam their horses over to the Point.

Captain Ogle and the officers of the "Southampton," who had not been engaged in the boats the previous day, came ashore, and they in a very complimentary manner congratulated me on my success.

I now prepared to go and see the camp, and invited Mr. King to accompany me; but he declined my offer, preferring to remain on board. I therefore had to take the road by myself. On my arrival at the camp, I found it in a very deplorable state, although some time had been spent in clearing it up. I passed through the entrenchments, which were about four or five feet deep, and the one which ran across the camp fully that depth. This entrenchment appeared to be converted into a hospital, as I found at short distances sidings cut out of the bank, sufficient to hold one man in each. Here I found men with their legs and arms off, and some suffering from dysentery. The only shelter they had from the hot sun by day, and the cold by night, was the hides of the horses they had just killed for food. The stench from these hides and the putrid offal lying about was most offensive, and not suited to men in their condition. Great credit was due to Dr. Frazer on this occasion. Although in want of almost everything that was requisite, every amputation he undertook succeeded.

I observed the long strips of horseflesh the troops had to subsist upon hanging up to the broken wagons. They were by no means tempting—the weather had made them quite black. I found Captain Lonsdale wounded, also Lieutenants Lennard and Molesworth. A poor half-starved horse, and the only remaining one, was sitting on its hind-quarters like a dog, making efforts to get upon his feet, but unsuccessfully.

A difference took place between Colonel Cloete and Major Smith, but as it was not on nautical matters I could give no opinion.\* From what I could learn among the various officers, the colonel appeared to be in fault. I then went out of the entrenchments when I heard Colonel Cloete give orders to the Kafirs, through the interpreter, to go out and take all the cattle they could find, especially horses,

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\* See Delegorgue, II., p. 84. A difference of opinion as to marching inland.

and bring them to him. The colonel was censured by the newspapers for giving this order, as it happened that night that two or three Boers were killed by natives, and some of the Kafirs in charge of the cattle wounded. I believe this order was the cause of the Boers' deaths, as supposed at the time.

A message now arrived from the Point, stating that there was a schooner off the port; and as the "Maid of Mona," Captain Blake, was expected, with a detachment of the 25th Regiment, I went to see if I could be of any service, knowing that he was unacquainted with the port. But the vessel proved to be the "Mazeppa," which had evaded the vigilance of the Boers and got out to sea, and proceeded to De la Goa Bay for assistance, but finding it could not be procured, returned to the port. On arrival at the outer anchorage, they were assured by the officers of the "Southampton" that the port was in our possession; and seeing our vessel inside induced them to come in. In weighing anchor they parted with their last cable, and had to run it and beach her; but as the wind was fresh from the eastward, she drove in the direction of the island and grounded on a sand-bank. I manned my boat and went after them, accompanied by Mr. King. On boarding the vessel, I found them in the greatest confusion. Several families had been hurriedly placed on board, and I believe with very few comforts. The Rev. James Archbell and family were on board. Mrs. Archbell was at all times cheerful under any circumstances; and as soon as I informed Mrs. Cato and Mrs. Beningfield that their husbands were all right, and that I expected them in a day or two, their past troubles soon began to vanish. Mrs. Captain Lonsdale, who had left her husband wounded in the camp, was pleased to hear of his recovery. These families were much indebted to Mr. Joseph Cato and Mr. John Mackenzie for their attention. Mr. Cato undertook the navigation of the vessel, and took good care of them all.

I sent to the "Conch" for a warp and anchor to enable them to secure the vessel. During my stay on board a dispute arose between Mr. King and the crew of the vessel. They accused each other of cowardice. This dispute lasted for about half-an-hour, when it calmed down; and then King and I returned to the peaceable old "Conch."

## MR. SMELLEKAMP, THE DUTCH SUPERCARGO.

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[From the "Cape Town Mail," July 2, 1842.]

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OUR readers are probably aware that Mr. Smellekamp, who lately arrived in this colony from the emigrant farmers at Port Natal, was arrested at Swellendam, under the Proclamation of 25th February, 1806, for travelling without a pass, being a foreigner, and transmitted, in terms of the Proclamation, to Cape Town, where he arrived towards the evening of Saturday last, 25th instant, too late for any examination or inquiry upon that day.

On Monday morning, the Attorney-General, accompanied by Mr. Truter, clerk to the Clerk of the Peace, had an interview with Mr. Smellekamp, in the public room at the prison, when the following proceedings took place:—

The Attorney-General briefly stated to Mr. Smellekamp that in consequence of the very peculiar circumstances connected with his arrival in this colony, the authorities at Swellendam had felt themselves called upon to put in force a provision of the law which justified his arrest, as being a foreigner appearing in the colony without a pass: that nothing could be more opposed to the disposition of His Excellency the Governor than to give unnecessary annoyance to any subject of His Majesty the King of Holland; but that it had become necessary to call upon Mr. Smellekamp to give such an account of the circumstances connected with his arrival in the colony, from a quarter where a number of misguided men were in arms against Her Majesty's authority, as should enable him, the Attorney-General, to determine upon the line of conduct which ought to be adopted.

Mr. Smellekamp then made the following statement, chiefly in reply to questions put:—

"Johan Arnold Smellekamp, born at Amsterdam, merchant and general dealer. I came into this colony from Port Natal; Jacobus Boshof came with me as far as Graaff-Reinet. Christoffel Boshof, who had not been with me previously, came with me from Graaff-Reinet to Swellendam. I came from Amsterdam to Natal in the "Brazilia," Captain Reus. The vessel came partly in ballast, and partly with cargo. I was supercargo. The voyage was occasioned from its having been seen in the *Zuid Afrikaan* newspaper in Holland, that a party of emigrants had left this colony and established themselves in Port Natal; and it was considered that, as they would



be likely to stand in need of goods, a good market might be established there. The shippers of the cargo were J. S. Klyn & Co. The only firearms or ammunition on board were those required for the ship's use: there were none for sale. The only things of such a nature which were given out of the ship at Port Natal, were six swords, which were sold to an Englishman named Cato. The only papers which the ship carried were the ordinary papers enabling her to touch at any port in South Africa which might be deemed expedient; and she carried no papers of any kind from the Government of Holland. Neither the captain nor I had any authority whatever from the Dutch Government to enter into political or other arrangements with the emigrant farmers at Port Natal. It was simply a trading voyage, and we were directed to see whether a store could be advantageously opened at Natal by Klyn & Co., the shippers of the goods. Captain Reus and myself, when the vessel was in the harbour, went to Pietermaritzburg, and were both present at the meeting of the Volksraad which was held on our arrival.

[The Attorney-General here apprised Mr. Smellekamp that he did not wish him to disclose the objects of the meeting of the Volksraad; but that if Mr. Smellekamp wished to mention them, he was at liberty to do so. Mr. Smellekamp expressed his willingness to state what had occurred, and proceeded as follows:]

"The object which I had in view in attending the meeting of the Volksraad, was to make myself acquainted, as far as I could, with the kind of articles which the farmers would require, in order to their being regularly supplied in future; and also to see as much as I could of the nature and condition of the people and the country, in order to publish the result when I should return to Holland. The farmers seemed to be under the impression that their position was not sufficiently understood in Holland, and they therefore wished me to publish an account of it; which, knowing that no book could be published in Holland without the previous consent of the Government, I considered that I ran no risk by consenting to. The idea of publishing was started by myself, and by me suggested to the farmers, who for the reasons now stated were willing to furnish me with the necessary information. The meeting of the Volksraad was held with open doors, and everyone could be present. After the public business was over, there was a meeting in the same place with closed doors, at which I was asked whether I had not been sent by the Government of Holland. To which I replied, 'Not in the least; my coming here is entirely to see what can be done in the

way of trade.' At the time of the open doors, there might have been fifty or sixty bystanders present, upon whose withdrawal the Court consisted of the fifteen or sixteen members properly composing it. The Volksraad asked my opinion as to whether or not I thought that the Dutch Government would interfere in their favour. To which I replied that I could offer no opinion on the subject, as I considered that the Dutch Government knew very little about the affairs of Natal. They spoke also of the expediency of writing a letter to the King of Holland; upon which I mentioned to them that they might, of course, write letters to whomsoever they thought proper. I was under the impression at the time, from what was said, that the farmers were determined not to have anything to do with the English Government; and I was further informed that, as far back as 21st February last, a letter had been written to the Governor of this colony, telling him that they were so determined. There was a public supper given to the captain and myself after this meeting, which was attended by forty or fifty. In the way of toasts, the health of the King of Holland was drunk, and the hope that they might never come under the Government of England again. We were eight days at Pietermaritzburg, and then returned to Port Natal. After this, I sold the cargo that I had brought by public sale. I heard that Cato and another man had been beaten by some of the sailors of the "Brazilian," on account of a supposed insult to the Dutch flag; but I was myself at the time at Pietermaritzburg, and knew nothing of it personally. I returned again to Pietermaritzburg after the sale, and it was then that the transaction happened. On the 30th April last, I left Pietermaritzburg to return to the colony; and four days after that, beyond the Drakensberg, I was joined by Mr. Jacobus Boshof, and we travelled afterwards together to this colony. Mr. Boshof held the office of Landdrost of Port Natal. My object in coming to this colony was simply as a traveller to see the country, purposing to take ship at Table Bay for England, the "Brazilian" having proceeded to Batavia. At Swellendam I was arrested for not having a colonial pass, according to law, which I had not obtained at the frontier, not being aware that such a pass was necessary; and was conducted thence in a four-horse cart from fieldcornet to fieldcornet. Except as to the restraint of my liberty, I have no reason to complain of any of the treatment which I have received since my arrest.

"(Signed) J. A. SMELLEKAMP.

"As witness: (Signed) P. J. TRUTER."

After Mr. Smellekamp had finished this statement, the Attorney-General observed that he had avoided all enquiries, except as might directly serve to ascertain whether or not Mr. Smellekamp might properly or safely be set at large: that if it had appeared that Mr. Smellekamp had actually mixed himself up with the armed resistance made by the Queen's subjects at Natal to Her Majesty's authority, it might have been necessary to consider whether he should not have been sent to Holland, with such proof of his misconduct as would have drawn down upon him the severest displeasure of His Majesty the King of Holland: that as the matter now stood, however, he, the Attorney-General, was glad to be able, without impropriety, to authorise the liberation of Mr. Smellekamp; that, without further adverting to the recent communication between Mr. Smellekamp and the farmers, which had necessarily given rise to considerable suspicion, it was sufficient to say that that communication did not appear to have been of such a nature as to require his further detention; that Mr. Smellekamp must himself see the necessity of exercising all proper vigilance, by just imagining what would have been done in Holland if, at the time of the disturbance with Belgium, some Englishman had entered Holland from that country, who was known in some way or other to have been lately in immediate connection with the disaffected, and was reported to be considered by them an accredited agent of the King of Holland: that he, the Attorney-General, had only now to express his satisfaction that Mr. Smellekamp's comfort did not appear to have been materially abridged by his temporary restraint, and that he had the pleasure of telling him that he was now at liberty.

Mr. Smellekamp immediately afterwards left the prison.

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DESPATCH FROM COL. CLOETE TO SIR GEO. NAPIER.

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Port Natal, 3rd July, 1842.

His Excellency Major-General

Sir G. NAPIER, K.C.B., &c., &c., &c.

SIR,—The immediate effect of my taking Port Natal on the afternoon of 26th ultimo, as reported in my despatch of 28th to your Excellency, was that on the same night the master of the "Pilot" brig, who had been detained as a prisoner by the Boers, and four other persons, made their escape from Congella during the panic



caused by our advance movement on Captain Smith's camp, and joined me at this place. They reported to me that the Boers had abandoned Congella in the greatest haste, and had taken flight.

On the morning of the 28th, however, we discovered with our spy-glasses that there were a number of horses about Congella, and immediately determined to march upon it, for which purpose I collected from each of the outposts one hundred men, and with this force and a howitzer I took the road to Congella. A small party of the insurgents' scouts were seen a little in advance of the place. On perceiving our approach, they retired under the shelter of a bush, and we entered the village, consisting of about fifteen or twenty houses, without any opposition. Here we found some stores, merchandise, spirits in cask, and their curious establishment for moulding six-pounder leaden shot. I resisted the burning of the place; and prevented all plundering. As, however, the troops were still without any of the provisions to be landed from the "Southampton," and with only two days' provision in hand, I directed such articles of consumption as were necessary for the use of the troops to be put into a wagon which we found there, and conveyed these supplies to the camp.

Four persons, inhabitants of Congella, gave themselves up to me: one, Quintus, a German naturalist; another, Scholtz, practising as a doctor, and two others. I availed myself of these people to convey to these misguided Boers the merciful intentions of the Government, placing in their hands a copy of a public notice which I affixed to one of the houses in Congella, and having liberated these people, I returned to the outposts with the troops. I regretted my force did not permit me to leave a guard for the protection of the property, the more so as I felt that the number of Kafirs who had made their appearance as soon as we got into the place, would plunder it the moment of our leaving it. I understood the Boers to have retired to one of their camps about twelve miles off, where they were said to be four hundred strong, with four or five guns.

Without any of my provisions or ammunition yet landed from the "Southampton," or any means of organising transport, I did not feel justified in entering upon any forward movement, which would only tend to lead me away from the more important object of strengthening my posts, forming and securing my magazines.

Upon these objects I have since been engaged, and having required of the Kafirs to bring me in as many horses and cattle as they could get, I have no doubt that I shall soon be in a condition to take the offensive with some effect.

The Boers will in the meantime have had ample time to consider their position and the terms of my notice, upon the subject of which I received on the 30th ultimo a letter from Pretorius, their military commandant, asking me if I wished to confer with them; and, if so, to appoint a place between Congella and Captain Smith's camp to meet him. I answered that I could enter into no negotiation with him, without a previous declaration of submission to Her Majesty's authority. To this I have received no reply.

Several inhabitants, fifteen in number, have come in and taken the oath of allegiance.

On the 28th, 29th, and 30th the weather had continued so boisterous that, on an attempt being made on the last of those days to send on shore some provisions, the men's packs, and our ammunition, the boat struck on the bar, and one man of the 25th Regiment was drowned, the whole of the provisions were lost, and 18,000 rounds of ammunition destroyed. The greater portion of the men's packs were picked up on the following morning, when we found that the frigate had been obliged to put out to sea.

I regret to be obliged to close this despatch with a report which reached me last night, that the Kafirs had begun to set upon the Boers, and that three had been killed by them. The enclosures explain the manner in which I have treated this subject, and upon the principles of which I purpose strictly to act; for if England will not put down the Boers by her own legitimate means, it were better to abandon the project altogether, and submit even to the insult we have received, than to adopt the degrading process of enlisting the savage in our cause, or call upon the Zulu assagais to commit all the atrocities of indiscriminate bloodshed and spoliation.

I have received such aid from Lieutenant Maclean, Royal Artillery, and his services will be of such advantage to me in our forward movement, that I have not sent him back by the "Southampton." I hope to be able to send the sick and wounded by her.

I have the honour, &c.,

(Signed) A. J. CLOETE, Lieut.-Colonel,  
Dep.-Qr.-Mr.-General, Commanding.

[Enclosure No. 1.]

NOTICE.

Congella, Port Natal, 28th June, 1842.

1. By the authority vested in me, a free pardon is hereby granted to all deserters from Her Majesty's army, who shall return

to their colours at the headquarters of the troops at Port Natal, within ten days of this date.

2. All inhabitants of Natal who shall be peaceably disposed shall, on making their submission to Her Majesty's authority, receive protection and remain unmolested. All those neglecting to do so will be treated as being in arms against Her Majesty's Government.

(Signed) A. J. CLOETE, Lient.-Colonel,  
Dep.-Qr.-Mr.-General, Commanding.

[Enclosure No. 2.]

A report having been brought in to me that the Kafirs have killed three Boers (Dirk van Rooyen, Theunis Oosthuisen, and another), the insurgent Boers are warned of consequences such as these, which it will be impossible to arrest whilst they continue in arms against Her Majesty's authority, and thus bring all the evils and horrors of Kafir murder and devastation upon themselves, their families, and property, in spite of every endeavour on the part of Her Majesty's troops to prevent them.

(Signed) A. J. CLOETE, Lient.-Colonel,  
Dep.-Qr.-Mr.-General, Commanding.

COLONEL CLOETE TO SIR GEORGE NAPIER.

Port Natal, 4th July, 1842.

His Excellency Major-General

SIR G. NAPIER, K.C.B., &c., &c., &c.

SIR,—Since writing to your Excellency yesterday, I have received from Pretorius a communication complaining that the Kafirs were committing fierce outrages upon the Boers: that we were receiving the cattle plundered from the Boers: that the destruction of the Kafirs must follow such proceedings: and that, anxious as the Boers were to put a stop to all this war and coming bloodshed, it was impossible for them to accede to the conditions of my notice, which required, as a first step, a declaration of submission to Her Majesty's authority; and he ends his letter thus:—

“I must also acquaint you that we have already made over this country to the King of the Netherlands, and have called upon that



Power to protect us, so that we have every right to expect that our cause will be supported in Europe."

My answer to this letter is enclosed (see below).

I have also been informed that Pretorius and his hostile bands have retired from this neighbourhood to within fifteen miles of Maritzburg: this sudden move I ascribe to the rumour that has just reached me, that Panda and the Zulus were marching against the Boers.

All this is a melancholy state of things, but unavoidable when dealing with such elements.—I have the honour, &c.,

(Signed) A. J. CLOETE, Lieut.-Colonel,  
Dep.-Qr-Mr.-General, Commanding.

P.S.—The detachment by the "Maid of Mona" has been landed.

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LIEUTENANT-COLONEL CLOETE TO COMMANDANT PRETORIUS.

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Port Natal, 3rd July, 1842.

SIR,—I have received your letter of this day's date, and no one can lament more than myself the melancholy prospect before us of seeing the savage engaged in a murderous onset of extermination against you and your fellow-countrymen; but it is an evil so unavoidably consequent on the events which you and your unfortunate misguided people have brought about by your acts of determined hostilities against Her Majesty's Government and troops, that it ought not to surprise you, and in spite of all my efforts to prevent, and my determination to arrest, as far as in me lies (as you will have seen by my public notices of yesterday, which I have sent to you), you must be perfectly well aware that, beyond such positive prohibition, and the having employed persons to explain my determination to the Kafirs, I have no power over these people.

I have certainly required the Kafirs to bring into my cantonments all the horses and cattle they can get, so as to enable me to act with vigour, and put down the state of war and bloodshed which you have established over these districts; and to expect that I should deprive myself of the only means I possess of equipping myself, and that, too, in the face of your having cut off the whole of Captain Smith's cattle, to the amount of some seven hundred oxen, besides causing the destruction of his horses, and your having further seized all the stores of those inhabitants who are peaceably disposed

towards Her Majesty's Government, is to suppose me incapable of reasoning and acting.

You have caused the horrors of this state of things, and you must bear the consequences to yourselves, your properties, your wives and children.

You say you would still be disposed to avert the evils of this coming bloodshed which you are aware will lead to extermination. If you are sincere in this, there cannot be anything degrading, in so great a cause to humanity, in your giving in your submission to Her Majesty's authority, as an indispensable and preliminary step to a final adjustment, which you may be very certain the Government has every disposition to settle with justice and leniency towards the emigrant farmers; and, in the favourable interpretation to your interests, you will find in myself a friend rather than one inimical to your unhappy countrymen.

I regret much that you should have allowed yourself to be so grossly deceived with regard to the intentions of the King of Holland by a person totally unaccredited; and that you should have been urged to act as you have, upon the vain supposition that any of the European Powers would lend an ear to any question arising between England and her Colony of the Cape of Good Hope, of which you cannot be so ignorant as not to know that Port Natal has always been a dependency.

I shall be happy to lend my best efforts to arrest any general rising or partial acts of violence of the Zulus or Kafirs; but I feel my incapacity to do much in this respect while your people continue in arms against Her Majesty's authority, and lead these tribes to think that whatever injury they do you must be pleasing to the Government.—I have, &c.,

(Signed) A. J. CLOETE, Lieut.-Colonel,  
Dep.-Qr.-Mr.-General.

#### DESPATCH FROM SIR GEORGE NAPIER

TO THE RIGHT HONOURABLE THE LORD STANLEY, SECRETARY OF STATE.

Government House, Cape of Good Hope,  
8th July, 1842.

MY LORD,—With reference to my despatch No. 116, of the 16th ultimo, I have the honour to acquaint your Lordship that J. A. Smellekamp, the supercargo of the Dutch vessel "Brazilia," was

arrested at Swellendam for being found travelling through the colony without a pass, and was forwarded for examination to Cape Town.

The declaration of which I transmit a copy herewith, was made by him in presence of Her Majesty's Attorney-General, after which he was released from confinement, and has since departed for England in a vessel named the "Arabian."—I have the honour, &c.,

(Signed) GEORGE NAPIER.

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[Enclosure.]

Declaration of J. A. Smellekamp, supercargo of the Dutch vessel "Brazilia," which put into Port Natal, who had been arrested at Swellendam for not having a colonial pass, dated Cape Town Prison, 27th June, 1842.

#### DESPATCH FROM SIR GEORGE NAPIER

TO THE RIGHT HONOURABLE THE LORD STANLEY, SECRETARY OF STATE.

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Government House, Cape of Good Hope,  
18th July, 1842.

MY LORD,—With reference to my despatch No. 117, of the 17th June last, I have the honour to acquaint your Lordship that, with a view to promote the Naval co-operation which the Admiral had so kindly and promptly afforded me in reinforcing the troops at Port Natal, Her Majesty's ship "Isis," 50 guns, sailed from Simon's Bay on the 28th ultimo to relieve the "Southampton," and keep up communication with Lieutenant-Colonel Cloete; and on the 2nd of this month, the "Lily," 16-gun brig, proceeded to the same destination, in order that the "Isis" may return to Simon's Bay; a vessel of the size of the "Lily" being better adapted to the service on that coast than one carrying a greater number of guns.

I have refrained from furnishing your Lordship with any of the rumours which reached the colony overland relative to the reported success of either the one party or the other, contenting myself with taking such precautionary measures as seemed necessary, without appearing to be too distrustful of the loyalty of those whose friends and relatives have placed themselves in direct collision with Captain Smith's detachment; but on the evening of the 15th the "Southampton" arrived, bringing me the welcome and gratifying intelligence that Captain Smith had, under circumstances of severe



privation, and in the face of a determined and watchful enemy, maintained his position until relieved by the troops under the command of Lieutenant Colonel Cloete.

In order to allay as much as possible the excitement which has prevailed within the colony for the last month, and to prevent unfounded or erroneous reports being circulated amongst the colonists, the tendency of which is most injurious to the Government at this juncture, I caused a *Gazette Extraordinary* to be published, containing the despatches of Lieutenant-Colonel Cloete and Captain Smith; of that *Gazette* I have the honour to transmit a copy, together with the copies of Colonel Cloete's despatch of the 3rd instant, of which I did not deem it necessary to publish those paragraphs written in red ink, and of a private letter dated 30th ultimo which I have received from Captain Smith.

To these I have little to add. The troops have conducted themselves under trying circumstances as became British soldiers, and Lieutenant-Colonel Cloete and his officers have performed the duty assigned to them in such a manner as to merit my entire approval.

Although Captain Smith and his detachment were unsuccessful in their first attack upon the insurgents, still I am of opinion that his subsequent operations prove how well qualified he is for the command entrusted to him. The partial reverse which he did sustain at first will, in the end, be productive of the greatest benefit, by proving to the insurgents, as well as to the natives, how vain it is to attempt resistance to British authority.

I cannot too often repeat that no one acquainted with the previous character and feelings of the Dutch-African colonists, and whose opinions founded on that knowledge were entitled to due consideration, ever imagined that their madness and folly would have led them into open rebellion; and I am still satisfied that if the first attack had proved successful, which but for untoward events would most probably have been the case, all further resistance to the troops would have been prevented.

The duplicity and determined spirit of hostility towards Great Britain which mark the character and conduct of those who have acquired a lead in their Council, and the pertinacity with which they adhere to the idea that the Dutch Government will espouse their cause, will show your Lordship how impossible it is to reason with men whose ignorance would only excite compassion, were it not for the scenes of bloodshed consequent on their rebellion. The emigrants are now probably engaged in all the horrors of a savage and murder-

ous strife with the natives, as calamitous to contemplate as it is impossible to check. If capable of reasoning, they must have foreseen that defeat would bring down upon them the warlike tribes by whom they are surrounded, and who have a long series of insults and injuries to avenge. I know that the British soldiers will avert this catastrophe if it be possible; but so long as the rebels maintain their present hostile attitude, no assistance can, of course, be rendered them.

I regret to report the death of Ensign Prior, of the 27th Regiment, in a sortie on the 18th ultimo, and also the plundering of the "Mazeppa" by the farmers, into whose hands have fallen a considerable amount of Captain Smith's private property.

I shall not at present advert further to the question of Port Natal. As soon as the subjugation of the emigrants is effected, it will be for Her Majesty's Government to determine on the future line of procedure in regard to that country; but I humbly submit that some decisive measures should be adopted, and that the time is past for debating the propriety of further extension of the British territory in South Africa. The first shot that was fired settled that point, and it only now remains to prevent, by energetic measures and strong reinforcements of troops, the country to the northward and eastward of the colony becoming the scene of a barbarous and exterminating warfare.

I have to request your Lordship to convey to the Lords of the Admiralty the expression of my warmest thanks for the ready co-operation afforded to me by Vice-Admiral Sir Edward King, and for the active and valuable assistance rendered by Captain Ogle, Commander Hill, and the officers and seamen of the "Southampton." To that is mainly to be ascribed the trifling loss sustained in the landing of the troops under such adverse circumstances, and in the face of a determined and heavy fire from the thick bush in which the Boers were concealed.

I must also call your Lordship's attention to the spirited conduct of Mr. Bell, the master of the schooner "Conch," of which Colonel Cloete speaks in much praise; that small vessel having towed the boats in which the troops were placed over the bar.

In conclusion, I have only to reiterate my approbation of Lieutenant-Colonel Cloete's conduct in the execution of the difficult and important duty with which he was entrusted, as well as that of Major D'Urban, and all those acting under the Lieutenant-Colonel's command; and I cannot refrain from calling your Lordship's most favourable consideration to the claims of Captain Smith, 27th Regi-

ment, and his gallant band, so highly mentioned by Colonel Cloete ; feeling confident that the firm, judicious, and gallant conduct of Captain Smith, under trials of no ordinary character, will ensure the gracious approbation of Her Majesty to an old officer, whose services in the late war would alone have entitled him to reward.

(Signed) GEORGE NAPIER.

P.S.—I have further the satisfaction to report that the wounded men who arrived in the “Southampton” are, generally speaking, doing well, and that they will be removed this day to the military hospital in Cape Town.—(Signed) G. N.

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#### DESPATCH FROM SIR GEORGE T. NAPIER

TO THE RIGHT HONOURABLE THE LORD STANLEY, SECRETARY OF STATE.

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[Confidential.]

Government House, Cape of Good Hope,  
25th July, 1842.

MY LORD,—I have the honour to acknowledge the receipt of your Lordship's despatches, marked No. 65 and separate, of the 10th April last, directing me to take most prompt and effective measures for recalling the military detachment at Port Natal.

Much as I am disposed to follow implicitly the instructions of Her Majesty's Government, there are occasions upon which it is necessary to act in contravention of them; and if, in stating the reasons which, after mature deliberation, have determined me, for the present at least, not to put these instructions into effect, I enter into considerable detail, I trust the responsibility which has fallen upon me consequent on the events which have lately taken place at Port Natal, by which this question has now assumed an aspect totally different from that in which it was viewed by your Lordship in April last, will bring sufficient apology.

Having already on many occasions brought the subject under the notice of your Lordship's predecessors, I need only refer generally to these communications, particularly as the despatch now before me shows that your Lordship is aware that I have never considered the colonization of Port Natal as, in itself, a desirable measure, but as desirable because affording the best or rather the only remedy against an evil in which it is impossible to acquiesce, and which, if



not met, will prove of most ruinous consequences to this colony and to the native tribes inhabiting the interior of Southern Africa.

Your Lordship observes that there is no assignable limit to the principle, if once admitted, of overtaking by colonization and settled forms of government the migratory habits of British subjects who, by advancing into the interior or along the shore of the African continent, may withdraw themselves from the local allegiance they owe to their sovereign.

The history of this colony, whether under the Batavian or the British rule, proves that notwithstanding every attempt which even under the more rigid laws of the Dutch Government was made from time to time to stem the further advance of the colonists, they still continued to press forward, and the Government was obliged to overtake these pioneers and bring them again under the authority of the law. The consequence of this policy has been seen in the massacre of the native tribes, the course of the emigrants having always been traced in blood, much of which might have been saved had the hand of Government directed and controlled an emigration which it was impossible to prevent. This conclusion has been forced upon my mind, having come to the colony determined to uphold the policy of the then Secretary of State by refusing on every occasion to listen to any scheme which contemplated an increase of the territorial limits of the Cape of Good Hope.

The massacre of the party under the unfortunate Retief, and the sanguinary conflict which ensued between "Dingaan" and the emigrant farmers, proved to me that this line of policy would not long be applicable to the correction of the evil, and in my despatch No. —, of the 18th May, 1838, I urged upon Lord Glenelg the imperative necessity of occupying Port Natal as the only means by which these contests could be checked, and the reduction of the natives to slavery could be prevented.

To that opinion I have invariably adhered, and events have proved that it is a correct one.

Lords Glenelg and Normanby viewed the occupation of Natal by a military force as merely temporary, and the latter nobleman, during the short time he held the seals of the Colonial Department, urged upon me in the strongest manner the necessity of abandoning the post at the earliest time possible. Seeing that no good would result from any longer temporary occupation, and being convinced that such was only useful as one step towards the eventual settlement of that country, and that notwithstanding the scenes of blood-

shed and oppression which still continued to mark the progress of the emigrants, Her Majesty's Government seemed determined not to consent to any further extension of our possessions, I withdrew the detachment under Captain Jervis in the month of January, 1840. I beg to refer your Lordship to my despatch No. 40, of the 22nd June in that year, in which I have entered into this subject at considerable length.

The continued accounts which reached Lord John Russell of the deplorable calamities attending the affairs of Port Natal, induced him to instruct me, on the 18th June, 1840, to reoccupy Port Natal. The state of the frontier, however, at that time did not render it prudent to detach troops from the colony, and therefore I did not immediately act upon his Lordship's instructions; but being afterwards informed, in the despatch No. 114, of the 5th September, 1840, that "on the general question his Lordship was favourable to the occupation of Port Natal as a British colony," and having seen, in the attack made upon "Ncapai," in the end of that year, symptoms of an attempt to drive the Kafirs inhabiting the territory belonging to "Faku" down upon the frontier Kafirs, and consequently force these friendly tribes into collision with the colony or with "Faku's" people, I again determined to reoccupy the Port; and my late despatches are sufficiently minute in detailing the events consequent on that movement. I trust this narrative will show that, if this Government has held an indistinct and irresolute tone on the subject, that indistinctness and irresolution cannot be imputed to me.

As your Lordship admits that it was difficult to do otherwise, perhaps it may be supposed that I have entered more fully than was necessary into details rather personal to myself than called for in an examination of the future line of policy to be adopted.

To this important branch of the question, however, I have given my best attention; and I shall now submit my views as briefly as possible.

It is proposed by your Lordship to withdraw the detachment from Natal; to tell the emigrants that Her Majesty is willing to extend an amnesty and pardon to such of them as shall return within a time, to be limited for the purpose, within the precincts of the colony; that the Government will lend every assistance in its power to facilitate their return, and their settlement here; that so long as they persist in residing in the territories which they occupy, Her Majesty's Government will take every practicable and legal method of interdicting all commercial intercourse and all communication

between them and the colonists; that if they should presume to molest, invade, or injure the Kafir tribes with which Her Majesty is in alliance, Her Majesty's forces will support these tribes in resisting such aggressions; and lastly, if the laws of the colony are not sufficient, I am directed to propose to the Legislative Council the enactment of a law having for its object to oppose the most effectual obstacles which can be raised to the supply to the emigrants of any articles of which they may stand in need, and especially of gunpowder, firearms, and other munitions of war.

In reasoning on this subject, I should be able to make myself understood if I could place your Lordship in possession of a good map showing the various locations formed by the emigrants beyond the colonial boundary. In the absence of a better, however, I beg to transmit one made by Captain Harris in the year 1837 and I shall endeavour to point out difficulties attending the course indicated by your Lordship.

Firstly,—Many of the farmers who live beyond the Orange River, and have located themselves on the banks of the Modder, Riet, and Sand Rivers, under Oberholster and Potgieter, have never shown any disposition to molest the Government, but on the contrary have ever evinced a desire to be recognised by and received under the protection of the colonial Government.

Their withdrawal from the colony arose in many instances from a desire of procuring more extensive pasturage for their cattle, or from a love of a wandering life; were these people again brought back to the colony, they have no means of purchasing farms, their habits are not such as would enable them to turn to any other occupation than cattle farming as a means of obtaining a livelihood; and even if they could do so, their pride and prejudices are so absurd, that they prefer the precarious and wretched existence which they at present lead to one of a more settled, but at the same time of a more menial, occupation. Mr. Bain, a gentleman lately returned from that country, Mr. Burke, a naturalist employed in making collections for the Earl of Derby, and everyone who has visited them of late years, describe them as living in a state of barbarism, dressed in the skins of animals, their woollen clothing being worn out, and no means left of procuring others, but still enjoying that ease and freedom from restraint which compensate for all their sufferings.

These would doubtless be pleased to have the protection of Her Majesty extended to them; but not one of them would return to the colony if the option of so doing was presented to him. That they



attack the tribes of wandering Bushmen, kill the old ones, and bring up the young ones as their slaves or servants, is well known; but this line of policy is adopted by them because they look upon these people as noxious animals, whose destruction is a praiseworthy act; and independent of such proceedings, which the nature of their life and the predatory habits of the natives render in some degree necessary for their own safety, they have never attempted to set the Government at defiance—indeed, many of them highly disapprove of the proceedings of their fellow-countrymen at Port Natal, and have declared their determination not to join in or countenance their rebellion. In the immediate vicinity of these emigrants dwell large tribes of natives, among whom are our allies, the Griquas, under the chief Waterboer.

Were a cordon drawn prohibiting all commercial intercourse beyond the boundary of the colony, not only would these emigrants, but also the Kafirs and the tribes to the northward, be shut out from the visits of traders: a kind of intercourse which tends much to the civilization of the native tribes.

Secondly,—Even were it politic to prohibit this intercourse, does the nature of the country admit of the execution of any strict prohibitory laws? I submit not. The laws of the colony respecting the trade in gunpowder and munitions of war are very stringent, but in the absence of an immense military force, or of a large and effective rural police, it is found impossible to prevent illicit traffic where we have an unguarded boundary of many hundred miles in length, with about one hundred drifts or fords of the Orange River passable at all times, except when the river is swollen from heavy rain; add to these difficulties the impossibility of entirely prohibiting the sale of gunpowder in a country where the inhabitants are frequently called upon to defend themselves against the predatory attacks of the Kafirs, and other wandering hordes which infest the Eastern Districts, and the fact that there are many in the colony who view the emigration of their fellow-colonists not only as a justifiable, but as a proper measure, and I think your Lordship will be convinced that no laws could be enforced along a border of such extent, and in a country so thinly peopled, except at an expense in maintaining a military force quite disproportionate in expense to any good which could be expected to result therefrom.

Thirdly,—The withdrawal of the detachment from Natal would take out of the hands of Government the most effectual means of checking the trade of the emigrants living between the Drakensberg

Mountains and the sea. Vessels might be prevented from clearing out for that port from this colony; but by maintaining a post there, and, if necessary, denying access to foreign vessels, whether Dutch or American, is the only way by which we can cut off supplies being furnished to the emigrants from without.

But were it practicable—whether by a military or naval force is immaterial—to establish a strict blockade, would it be, under the circumstances, altogether expedient? Many of the inhabitants of Natal are Englishmen, who have been established there for some years, and others among them have always shown themselves friendly to the English, having taken no active part in the late rebellion, or in the contests with the natives; their only crime is that, preferring the liberty of a wandering life, or allured by the beauty of the country, they sold their farms and left the colony in the hopes of bettering their fortunes. They have many friends who would view with great dissatisfaction any severe measures which might be employed to coerce them, and a greater feeling of alienation against the English Government would be engendered in the minds of the descendants of the Dutch colonists than now exists, although I believe that such feelings are at present sufficiently strong.

Fourthly.—And, independently of the above considerations, it appears to me that the withdrawal of the troops is for the present impossible. In all probability there are many who ere this have taken such decisive steps in favour of the troops, that the withdrawal of that protection would be the signal of their destruction by the party who are the strongest, and who have evinced such determined and bitter hostility to Captain Smith. Generally speaking, however, the abandonment of Natal would be a most popular measure with the majority of the emigrants, who neither desire the protection nor are even willing to submit to the authority of the Queen: to such the re-establishment of their so-called Republic would be a matter of joy and triumph. They would be immediately joined by others from the colony: the same wars with the natives would be renewed, and the same justification would be put forth as a cloak to cover the atrocities which have marked, and which will continue to mark, the proceedings of a body of men who are not responsible to any constituted authorities for their actions, and who are daily brought into contact with the native tribes by whom they are surrounded, and on whose land they are settled.

That the emigrants will attempt to find reasons to justify their rebellion, and their attack upon Captain Smith, is evident from the

enclosed narrative of their proceedings, which was intercepted on its way to the colony for the purpose of publication in the newspapers. In the case of the attack upon 'Ncapai, the plea of aggression was put forth as their justification; and in the present instance, by an artful combination of truth and falsehood, the officer in command of the troops is placed in the light of the aggressor, when in reality, by annoyances and determined hostility, he was compelled to adopt measures which he would willingly have avoided.

Lastly,—I beg to call your Lordship's particular attention to the question as affecting the welfare of the native tribes and the suppression of slavery.

In all your predecessors' communications relative to the resumption of Natal, I understood Lord John Russell as expressing himself determined to support against aggression any of the Kafir tribes who might call on me for aid, and to whom it might be in my power to despatch assistance; for in allusion to the attack upon 'Ncapai, with whom we have no treaties, his Lordship, in his despatch No. 165, of the 17th April, 1841, observes: "If, as you seem to anticipate, any of the Kafir tribes which are threatened by the emigrant farmers should offer to place themselves under the Queen's protection, you are authorised to promise it to them, but not to annex their territories to the colony."

In your Lordship's present communication, I find that a distinction is drawn between the mode of procedure to be adopted in the event of the emigrants attacking the tribes, with whom Her Majesty is in alliance, and others with whom we have formed no treaties, but with whom we have always lived on friendly terms.

Whether such distinction is intentional or not, I am not sufficiently informed, and therefore submit it for your Lordship's consideration; but if such a line is to be drawn, the whole of the tribes belonging to Panda, Faku, and 'Ncapai, as also those resident between the Orange River and the Drakensberg, with the exception of the Griquas, might be attacked and exterminated by Her Majesty's subjects, and no protection could be afforded to them by the Government whose subjects were committing these acts, in defiance of the Queen's express commands. The consequences of such proceedings would entail great eventual evils on the colony, and a day would undoubtedly arrive when the Government would be compelled to interfere in a manner which may be avoided if these people are at present reduced to some kind of order and obedience.

Assuming that your Lordship will never tolerate the existence



of slavery in the vicinity of one of the possessions of the British Crown, where the slaveholders are subjects of the Queen, I may observe that it is in vain to disguise the truth that many of the natives are slaves in everything but the name. It is notorious that their services are compulsory, and that they are subject to the caprice and ill-treatment of their masters, perhaps even in a greater degree than in slave colonies, where the arm of the law affords the servant a certain degree of protection. If the authority of the British Government is withdrawn from Natal, slavery will be there established.

These considerations have determined me to retain military occupation of the Port until I shall hear from your Lordship on the subject, being convinced that the withdrawal of the troops at present would be attended by the evil consequences which I have pointed out, and that in all probability we should have to retake it in a few years, even at a greater cost of life and money than has attended the present occupation.

I have therefore only, in conclusion, to state the two modes by one of which this question ought in my opinion to be now treated: premising that neither will be effected without considerable outlay; and that the first, although at present the most economical, is the least satisfactory and complete, and may therefore in the end prove the most expensive.

1st,—I think it may be taken for granted that when the present works are completed, a force from two to three hundred men will be sufficient to maintain their position, even in the event of a hostile demonstration on the part of the emigrants.

The officer in command might be instructed that, independent of his jurisdiction as a magistrate under the 6th and 7th Act of William IV., cap. 57, he is to exercise no civil control over the affairs of the emigrants living beyond the line which may be fixed as the extent of his military jurisdiction, beyond that of remonstrating with them in case of any attack being made on the natives; and in the event of their refusing to abide by his decision, then to prohibit the landing or shipment of any goods at the port, and to use such other means as might be within his power to enforce his authority; at other times the emigrants might be allowed to levy their accustomed fees, and the port might be open for the landing of all supplies except the munitions of war. Diplomatic agents or missionaries salaried by the Government, and in communication with the officer in command, or with the Governor of the colony, might be appointed

to each of the more numerous native tribes, to whom the emigrants should be directed to apply for redress in the first instance in case of any alleged ground of complaint against any of those tribes. Thus the emigrants would be held in check by our having possession of the only seaport on the coast, and the necessity of going through the form of an application to the Resident would tend to prevent frivolous complaints of aggressions being got up merely as a pretext for embodying a commando; or,

2ndly. By retaining possession of and colonizing that portion of the country lying between the sea and the Drakensberg or Quathlamba Mountains, and extending from the Tugela to the Umzim-cooloo River, we would not dispossess any of the larger native tribes. The aboriginal inhabitants of that country, consisting exclusively of the remnants of those tribes which fell victims to Chaeka and Dingaan, have always shown themselves anxious to receive the protection which an established Government would afford them. At no time better than the present could such a measure be carried into effect. The emigrants by their rebellion have forfeited much of the consideration, in regard to their lands, to which they were formerly entitled; their proceedings have shown that it is dangerous to allow them to remain longer without control, and such of them as are unwilling to place themselves under whatever form of government might be conceded to them by the Queen, would of course retire into the interior of South Africa; but there they would be less troublesome to this colony, because, being deprived of a seaport (which although not adapted for vessels of a large size, is quite safe for small craft not drawing more than eight feet of water) their consequence would be diminished, and being further removed from the frontier Kafirs, their opportunities of molesting them, and thereby endangering the peace of the colony, would be restricted. Diplomatic agents or missionaries might also be appointed to reside with the tribes. And under such a system, with the power of coercion near at hand in case of aggression, the protection of the British name could be more efficiently extended to the natives than under a mere military occupation.

This, however, would require not only a considerable outlay of money, but also a considerable body of troops.

I have thus attempted to put your Lordship in possession of my views on a question beset with difficulties. I have assigned what I hope will be found sufficient reasons for not giving immediate effect to your instructions, and I now await your Lordship's answer to this

despatch, by which I shall be guided in my future communications with the emigrants, and with those native tribes beyond the boundary with whom this Government has hitherto lived on friendly terms, although no treaties of alliance have been entered into between us.—I have the honour, &c.,

(Signed) GEORGE NAPIER.

### DESPATCH FROM SIR GEORGE NAPIER

TO THE RIGHT HONOURABLE THE LORD STANLEY, SECRETARY OF STATE.

Government House, Cape of Good Hope,  
27th July, 1842.

MY LORD,—I have the honour to transmit copies of the enclosed communication which I have received by the “Conch” from Lieutenant-Colonel Cloete, detailing his further proceedings at Port Natal up to 10th instant.

It appears that the “Conch” left the harbour on that day, but was detained outside until the 15th instant, in consequence of which there are private letters from some of the officers up to that date, from which I learn that the prisoners had been given up, that they had been treated with great kindness by the emigrant farmers, that the guns and other property were to be restored, and that Colonel Cloete, accompanied by Major D’Urban and two or three other officers, had proceeded to Pietermaritzburg, on the morning of the 14th, to adjust the terms of the surrender.

As the “Isis” had not arrived on the 15th, I am in hopes that she will remain there until the return of Colonel Cloete, and embark part of the 25th, the remainder of which will in all probability be embarked in the “Maid of Mona” and “Mazeppa,” so that very little, if any, delay will take place in their embarkation for India.

As soon as I am made acquainted with the nature of the terms granted to the insurgents by Colonel Cloete, I shall apprise your Lordship thereof, and in the meantime enclose a sketch of Port Natal, showing the positions taken up by the troops, which will be sufficiently fortified before Colonel Cloete weakens the detachment.

I have the honour, &c.,

(Signed) GEORGE NAPIER.



## MR. J. ALLISON (MISSIONARY) TO THE REV. R. GIDDY.

Thaba 'Nchu, 1st August, 1842.

We cannot but feel indebted to you for your great kindness in sending us news from the colony from time to time. I have done all I could in this way, too, and have sent a man ; but I fear he is no good, or he might have been in Colesberg previous to the date of your last letters to me. Everything here, through the mercy of God, is just as when you left us, which is really more than we had reason to expect.

Shortly after I received yours from Bethany, I could see by the bearing of the Boers that they were not a little elated : they talked at a most extravagant rate. Take an instance : Old Rasmus was talking about clearing the country. Moroka's large town was the subject of conversation. A Boer said : "Ja ! als ik een dag mijn paard vat, en mij roer op schouder leg, ik weet niet hoe het zal gaan met de stad." ("Yes ! if some day I take my horse, and shoulder my gun, I don't know what will happen to that town.")

1. Shortly after you left this, Moeke left Modder River with about fifty men ; how many they met with on the road I cannot say—I should think altogether 300 men. Greyling blustered out many threats against Wm. Pretorius of what he would do when he returned. Old Bester was made commandant, and his son veld-cornet—Louw Bester I think his name is.

This was a critical time for Moroka, and I scarce knew what to do. After weighing all circumstances, I thought it best to advise him to be as quiet as possible, and not to show any difference in his conduct towards the Boers, but at the same time particularly cautioned him not to commit himself in any way to them. I was induced to take this course from the consideration that a more bold and manly plan might precipitate matters of an unpleasant kind between Moroka and the Boers ; also it seemed doubtful, should the Boers meet with continued success, whether the rebellion might not extend even to Cape Town. The above plan, as you know, quite suited Moroka, and circumstances have favoured him in carrying it out.

2. Fourteen or fifteen days after you left, Louw Bester visited Moroka, and stated that he had heard he, Moroka, and Mashesh had communicated with Government, and he came to ascertain if it was true. Moroka sent a messenger privately for me to answer the question. I entered the Pitso just as Bester was making a speech,

which my unexpected presence quite spoiled, as he seemed quite confounded; he even did not wish to enquire about the subject of Moroka's correspondence with the Government, and very soon took his departure. His visit convinced me that the plans of the Boers were far more extensive and deeply-laid than most would imagine: I mean their movements with the tribes, should they succeed.

Things remained in a very perplexing state until the 12th June, when a deserter from the Natal camp named Theunis Dievenaer passed below the station, and filled the country with his awful account of the defeat at Natal: he stated that one Boer was cut through the middle, another lost his arm, a third a leg, &c., and that the sound of the cannon of the man of-war was still in his ears. This had an electrifying effect on the whole country; the natives held up their heads, while those of the Boers sank visibly to every beholder. It was most providential. It stopped the recruiting on the Modder River. It made many of the Boers become loyal as by magic.

I now had a second visit from Bester. I laid before him as faithfully as I could what I judged would be the probable consequences to them: I predicted that the Zulus would fall upon them. It gave him huge offence; but, alas! how it has been realised.

Mocke, Greyling, &c., have returned home. They are very quiet; and the greatest secrecy is observed by all the Boers to keep things from the natives. I think they fear a general letting loose of the natives upon them. This secrecy prevents me from finding out their real feelings and intentions.

Two weeks ago a Raad was held at Vet River, and numerously attended; the word of the day was, "Wat zullen wij doen?" ("What shall we do?") I hear the affair was soon decided, as all were of opinion that peace was far preferable to *war*; indeed, the fighting spirit is at a low ebb with the majority, especially with those who talked most about it previous to the war.

3. On Friday last, Mocke sent an urgent request to Moroka to meet him at his place on the 2nd. I did not discourage Moroka from going, as I thought he might elicit his views; but I put him on his guard. I expect Moroka will return to-morrow. I shall not close this until he arrives.

4. In answer to your question, "Is Moroka in the same mind as regards the Government?" I have conversed much with him on the subject, and I may safely answer, "He is." He says, "Were it not for the English, what would become of me?" The defeat of the Boers has, of course, greatly strengthened these feelings. So far as

I am able to judge, the whole of our people on all our stations are decided for the Government. Mora T'chabi, at Batabani, speaks freely out; indeed, I believe the feeling is one and the same from the Orange to the Drakkelbergen.

The Boers give a turn to the tale: they say Pretorius has made peace for six months, and that by the expiration of that time they expect aid from Holland, and a supply of powder and lead from the same quarter.

5. The report that we heard of the Boers robbing the Zulu chief Moveri is quite true; they took a great quantity of cattle and sixty children: the parties sold each child for a horse. Pretorius, it is said, disapproved of this, and was busy with the affair when the Natal explosion took place. Moveri followed them till within a few miles of their residence, when his men turned back. The Boers got up a commando of 100 to attack him for doing so, but their hearts failed, and they returned. This was just as the Port Natal war broke out. What a providence! The Natal war will prove the most remarkable era in the colonial history. The pulse of the Boers has been felt from the Tugela to Cape Point. The Government must understand things now. The Lord's footsteps are too clearly seen in this whirlwind to be misunderstood by the most superficial.

Humanly speaking, the British possessions in this quarter will not be permanently secured to England without she send 150,000 of her sons to weigh down the scale. These, I believe, will come: it is the cause of humanity. Such a body would, if well regulated preserve the native tribes from destruction, and for ever mar the prospect of the Boers in setting up their worse than Turkish tyranny and sway. You would see that Australia is saturated with emigrants.

Brother Sephton has received a letter from a relation of his in England, inquiring about the country; he says many are now directing his thoughts to South Africa as the best field for a settler.

I expect to see Wm. Pretorius to-morrow, and hear Mocke's tale from Moroka. I shall then close this, and dispatch your man without delay.

In the last defeat at Natal, Pretorius nearly fell into the hands of Cloete. Such was the panic amongst the Boers, that they fell over each other: some fell off their horses. Pretorius' horse fell, the horse ran away, and he was too fat to foot it. He had given himself up for lost, when a young Boer brought him a horse, and thus saved him. The English, of course, knew nothing of this.



An old Boer who came to this station one day with Strachan, before you left this, returned from Natal on Friday last, without shoes, horse, or gun, frightened out of his wits. These fugitives keep all very close from us and the natives; indeed, they are astonished that anyone should think they have been to Natal: "Wat zou wij daar maak?" ("What should we do there?")

I hope Mr. Thackwray has reached Colesberg, and will soon be here.

Shortly after the "slag" at Natal, two frightened-looking Boers rode hastily through our stations, not delaying at any of them; they visited Mr. Daumas' station, Platberg, and this place: their manners and looks excited our suspicions. A report that all the stations had united to fall upon them, I believe, was the occasion of their flying visit.

6. Monjala, Mallabi's brother, has remained behind, and is likely to be one of Moroka's chief supporters.

The French Society have three fresh missionaries on the way, and a printer. Could you procure a stock of type? Small-pica, I think, will suit best; if you could, we should get on.

Everything is going on comfortably here; and at Mr. Cameron's station prosperously.

Abraham will begin the church soon: he is now thatching my kitchen. When the church is done (and I shall do the inside first), I hope to see a school by the time you return; although the difficulties are neither few nor small that stand in the way.

Mr. Wiggle has visited the Boers, and will go again on Sunday next, in place of Mr. Sephton. I fear but little good will be done there until the war question is fully set at rest.

7. You are going to town. What will our good superintendent think of the Barasuta now? I think we ought not to lose that field; the way, I doubt not, will soon be cleared for the devoted to enter there.

August 2nd.

8. Strachan has just been here; from his statement the spirit of the Boers on Modder River is still hostile, and bitterly opposed to the Government. Misstatements are rife amongst them respecting the real state of things at Natal. Moroka has been away two days at Mocke's. I am waiting his arrival in order to close this. I shall be glad if, through him, I can send you the sentiments of the Boers. No easy task, as every Boer is ready with lies the moment you speak to them. How is it the Government do nothing to secure their allies in

these parts!! Do they really think the natives can maintain a neutrality, divided and subdivided as they are.

9. Moroka has just returned from Mocke. It appears the Boers are very uneasy lest Moroka should turn against them. They were very humble and condescending to him: acknowledged it was his country; they hoped to live peaceably with him, &c., &c. Not a word of his joining them in any way. No; I should think they have abandoned all idea of further resistance for the present, although they talk of assistance from some European nations whom they expect to espouse their cause.

Moroka has just cause to rejoice he has passed through this affair without compromising anything, or committing himself in the least to the Boers. I have advised Moroka to send you the enclosed letter for your use, should you go to town. If you do not, you will perhaps write on his behalf to the Government. Moroka is quite firm in his attachment to the Government, as he says, "Where can he look but to them?" Be very circumspect in your use of this, as you know our critical position.

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MR. J. ALLISON (MISSIONARY) TO THE REV. W. SHAW, WESLEYAN  
MINISTER, GRAHAM'S TOWN.

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Thaba 'Nchu, 3rd August, 1842.

An opportunity offering for the colony, I gladly embrace it, and forward a few lines to you.

All our stations have been preserved in peace up to the present date; and no individual amongst the natives residing in this country has committed himself in the affairs of the Boers (at least not to my knowledge),—a great mercy, for which we feel thankful to the Giver of all good.

The Boers residing in the vicinity of this station, who were the most active in the Natal war, have all returned, and, so far as I can learn, have exchanged their warlike spirit for one more peaceable, at least for a season. As a blind to the natives, they tell them they have suspended the war until they receive help from Holland and three other European nations from whom they have solicited aid.

The late collision at Natal will no doubt be of great importance in its effects: it has elicited the feelings generally of the Boers, and

shows too clearly what the English have to expect in the event of a war with any European power.

On the other hand, the spirit of the various tribes has been developed in reference to the Boers, and certainly has not been very flattering to the latter.

In the defence of the Boers, much is said of their humanity and their religion; but it may be asked, where are the numerous Bushmen kraals that were on the Modder River? Where did the poor Bushmen children now in their possession come from? Where do those Matabele children come from who are constantly seen leading the Boer wagons as they pass and repass into the colony?

Also, what had religion and the fear of God to do with their late unprovoked attack upon the Kafir chief Umovere, when they took an immense quantity of cattle and sixty children,—the latter they sold for a horse each? I do not like to meddle with things of the kind, but I cannot but feel as a man and a Christian, and I know I am writing to one whose prudence leaves me nothing to fear as to the use you will make of such communications.

What are your views now in reference to the Bavafontes? It will be a pity to let that fine field lie waste any longer. Peace at Natal will at once open the way.

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FROM MOROKA, CHIEF OF BAROLONGS, TO THE REV. R. GIDDY, WESLEYAN  
MINISTER, THABA 'NCHU STATION, BECHUANALAND.

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Thaba 'Nchu, August 3, 1842.

On your arrival in Graham's Town, you will greatly oblige me if you will obtain an interview with His Excellency the Lieutenant-Governor, and inform him, in my name, that I have been anxiously expecting a communication from the Government ever since the Natal war broke out, but I have been disappointed.

Please also to inform His Excellency that I have rigidly adhered to the conditions of the alliance which I entered into with Dr. A. Smith, who, I understand, was duly authorised by the Colonial Government for that purpose.

I therefore pray that the British Government will still consider me their faithful ally, as I hope ever to prove myself worthy of their confidence.



## GOVERNMENT NOTICE.

Colonial Office, Cape of Good Hope,  
9th August, 1842.

His Excellency the Governor is pleased to direct the following information to be made publicly known :—

Lieutenant-Colonel Cloete left Port Natal on 21st ultimo, on board Her Majesty's ship "Isis," and arrived in Simon's Bay yesterday afternoon, accompanied by a portion of the troops sent to reinforce the detachment under Captain Smith, and has reported to His Excellency the Governor the final cessation of hostilities between Her Majesty's troops and the insurgent Boers—no further hostile demonstration having been shown by them after the troops under Lieutenant-Colonel Cloete's orders were landed.

The emigrant farmers having made a solemn declaration of their submission to the Queen, having released the prisoners, whether soldiers or civilians, having given up the cannon captured, as well as those belonging to themselves, and having restored all public as well as private property seized by them, the Lieutenant-Colonel, acting under the powers vested in him by the Governor, granted a general amnesty or free pardon to all persons who might have been engaged in resistance to Her Majesty's troops and authority, with the exception of Joachim Prinslo, A. W. Pretorius, J. J. Burger, Michiel van Breda, and Servaas van Breda.

He further declared that all private property would be respected, that the emigrant farmers should be allowed to return to their farms, with their guns and horses; that they should be defended from any attack by the Zulus; that the tenure of their farms should not be interfered with pending the determination and settlement by Her Majesty's Government; that beyond the limits fixed for military occupation, their existing administration and civil institutions should not be interfered with till the pleasure of Her Majesty should be made known; that the Kafirs should not be molested in the occupation of the lands in which they were settled at the date of the arrival of Her Majesty's troops, subject to such future arrangements as may be made for general security by Her Majesty; and by a subsequent article appended to the conditions of this surrender, the Lieutenant-Colonel, in consideration of Mr. A. W. Pretorius having co-operated in the final adjustment of the articles of surrender, and

of his personal humane conduct to the prisoners, and his general moderation, included him in the amnesty which he had extended to all, with the exceptions above named. Major D'Urban and a second detachment of the 25th were to leave Port Natal on or about the 25th ultimo, leaving Captain Smith in command of the Port, with a force of 350 men.

By command of His Excellency the Governor,

(Signed) J. MOORE CRAIG,

Acting Secretary to Government.

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### PROCLAMATION

By His Excellency Major-General Sir GEORGE THOMAS NAPIER, K.C.B., Governor and Commander-in-Chief of Her Majesty's Castle, Town, and Settlement of the Cape of Good Hope, in South Africa, and of the Territories and Dependencies thereof, and Ordinary and Vice-Admiral of the same, Commanding the Forces, &c., &c.

WHEREAS certain subjects of Her Majesty resident in Port Natal, and certain territories adjacent or appertaining thereto, did lately, contrary to their duty and allegiance, levy and make rebellion and war against Her Majesty, and did thereby expose themselves to the pains and penalties of high treason :

And whereas for various reasons moving me thereunto, I did authorise and empower Lieutenant-Colonel Cloete, the officer commanding the expedition recently despatched from this colony for the suppression of the said rebellion, to offer a free pardon to such of Her Majesty's subjects as should return to their allegiance, with the exception of such person or persons as he should find, from information to be acquired on the spot, had forfeited by their marked and conspicuous criminality all claims to share in Her Majesty's clemency :

And whereas Lieutenant-Colonel Cloete, acting under such power and authority, did upon the Fifteenth day of July, 1842, grant a general amnesty or free pardon to all persons who might have been engaged in resistance to Her Majesty's troops and authority, with the exception of Joachim Prinslo, Jacobus Johannes Burger, Michiel van Breda, and Servaas van Breda, whose cases were left for my special consideration :

And whereas, after maturely considering the character and cir-

cumstances of the said resistance, as well as the cases of the said persons last mentioned, I have come to the conclusion that the said persons shall, if possible, be made amenable to justice and dealt with according to Law :

I do hereby proclaim and offer a reward of One Thousand Pounds to any person or persons who shall apprehend and lodge in any of Her Majesty's prisons, or with the officer commanding Her Majesty's forces at Port Natal, the said Joachim Prinslo, Jacobus Johannes Burger, Michiel van Breda, and Servaas van Breda ; or Two Hundred and Fifty Pounds for each of the said persons, who shall be apprehended and lodged in manner aforesaid.

GOD SAVE THE QUEEN !

Given under my hand and the public seal of the Settlement, at Cape Town, this 11th day of August, 1842.

(Signed)      GEORGE NAPIER.

By command of His Excellency the Governor.

(Signed)      J. MOORE CRAIG,  
Acting Secretary to Government.

#### GOVERNMENT ADVERTISEMENT.

Colonial Office, Cape of Good Hope,  
11th October, 1842.

His Excellency the Governor has been pleased to direct the publication for general information of the following document, of which an abstract was given in the Government Notice of the 1st instant.

By His Excellency's command,

(Signed)      J. MOORE CRAIG,  
Acting Secretary to Government.

Pietermaritzburg, 15th July, 1842.

We, the undersigned, duly authorised by the emigrant farmers of Pietermaritzburg, Natal, and the adjacent country, do hereby tender, for them and ourselves, our solemn declaration or submission to the authority of Her Majesty the Queen of England.



And we do further accept and subscribe to the following terms that have been required :

1st. The immediate release of all prisoners, whether soldiers or civilians.

2nd. The giving up of all cannon in our possession, those taken as well as others, with the ammunition and stores belonging to them.

3rd. The restitution of all public and private property which had been confiscated.

(Signed)	J. BOSHOF, Pres.,	J. H. BRUWER,	} President and Members of the Council.
	P. A. R. OTTO,	P. BESTER,	
	W. H. MARAIS,	C. J. v. HEERDEN,	
	E. F. POTGIETER,	J. DU PLESSIS,	
	J. BODENSTEIN,	W. J. PRETORIUS,	
	H. ST. LOMBAARD,	L. S. BOTMA,	

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## RATIFICATION OF TREATY WITH BOERS.

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Pietermaritzburg, 15th July, 1842.

The emigrant farmers of Pietermaritzburg, Natal, and adjacent country, having by their duly authorised Commissioners this day complied with and fulfilled the several conditions required of them, viz. :—

1st. Entered a solemn declaration of submission to Her Majesty's authority ;

2nd. The immediate release of all prisoners, whether soldiers or civilians ;

3rd. The giving up of all cannon in their possession ;

4th. The restitution of all public and private property ;

I do hereby, acting under the authority of His Excellency the Governor and Commander-in-Chief of the Cape of Good Hope, grant and ratify to the said emigrant farmers the following articles, as agreed upon this day at Pietermaritzburg :—

1. A general amnesty or free pardon to all persons who have been engaged in resistance to Her Majesty's troops and authority, with the exception of Joachim Prinslo, A. W. Pretorius, J. J. Burger, Michiel van Breda, and Servaas van Breda.

2. All private property, whether of houses, goods, or chattels, shall be respected.

3. The emigrant farmers shall be permitted to return to their farms, with their guns and horses, unmolested.

4. The farmers shall be taken under protection against any attacks of the Zulus or other native tribes.

5. The tenure of their lands shall not be interfered with, but must be left for the final determination and settlement of Her Majesty's Government.

6. The existing administration and civil institutions, under acknowledgment of Her Majesty's supremacy, shall not be interfered with till the pleasure of Her Majesty shall be made known. But those are not to extend any jurisdiction to Port Natal, which is placed for the present under the exclusive control of the Military Commandant of Her Majesty's troops, the limits of Port Natal being defined by the Umlazi to the west, the Umgeni to the east, and a line along the ridges and crests of the Berea Hills, joining these two rivers to the north.

7. The Kafirs shall for the present remain in the unmolested occupation of the grounds upon which they were on the arrival of Her Majesty's troops, subject to such future arrangements as the Government may find necessary to make for general security.

8. All port and custom dues belong to Her Majesty, and must be left at the disposal of Her Majesty's Government.

(Signed) A. J. CLOETE, Lieut.-Colonel,  
Dep.-Qr.-Mr.-General, Commanding.

By command,

(Signed) W. J. D'URBAN, Major, 25th Regiment.

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#### ADDITIONAL ARTICLE.

In consideration of Mr. A. W. Pretorius having co-operated in the final adjustment of these articles, and of his personal humane conduct to the prisoners, and his general moderation, the amnesty granted in the first article is hereby fully extended to him.

(Signed) A. J. CLOETE, Lieut.-Colonel,  
Dep.-Qr.-Mr.-General, Commanding.

By command,

(Signed) W. J. D'URBAN, Major, 25th Regiment.

## COLONIAL SECRETARY (CAPE) TO COLONEL CLOETE.

Colonial Office, Cape Town,  
12th August, 1842.

Lient.-Colonel CLOETE, K.H.,  
Commandant, Cape Castle.

SIR,—I am directed by His Excellency the Governor to acknowledge the receipt of your several letters noted in the margin, and of the enclosures accompanying them, detailing the operations which, in conformity with His Excellency's instructions, dated the 13th June last, were carried into effect by you for reinforcing Captain Smith, for re-establishing the supremacy of British authority in the neighbourhood of Port Natal, and for bringing the rebellious emigrant farmers to subjection by compelling them to acknowledge their allegiance to the Queen.

After a careful perusal of these reports, and an anxious consideration of all the circumstances by which you were influenced in adopting the line of policy pursued by you on this occasion, His Excellency is of opinion that your proceedings were in strict accordance with the spirit of your instructions, and that the main objects of the expedition, viz., the suppression of the revolt and the establishment of the Queen's authority, having been effected, it became expedient and necessary to prevent the further effusion of blood, by extending towards the rebels a leniency to which their violent conduct and determined hostility gave them little title to expect.

His Excellency, therefore, desires me to convey to you his full approval of the measures thus submitted for his consideration in your several reports now under acknowledgment, and to express his conviction that, under the peculiar circumstances of the case, no other line of conduct could have been pursued from which there could have been expected to result a settlement so satisfactory as that which you have concluded, and which it was highly desirable to conclude within as short a time as practicable, in order that the 25th Regiment might be in readiness to proceed on the important service assigned to them.—I have, &c.,

(Signed) J. MOORE CRAIG,  
Acting Secretary to Government.



CAPTAIN SMITH TO SIR GEORGE NAPIER.

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Port Natal, 14th August, 1842.

SIR,—On 28th of last month I was visited by the American missionary, Mr. Lindley, who resides at Pietermaritzburg, and who informed me that six Kafirs had been killed by a patrol of the Boers sent from that place in the direction of the Umlaas. He subsequently wrote, after his return there, to the effect that a meeting of the “Raad” was to take place shortly, and that the Boers declared their intention of sending out two commandoes against the Kafirs when the sitting was concluded, for the purpose of remunerating themselves for their loss in cattle. On the following day, when about to write to Pietermaritzburg on the subject, I received a letter from Pretorius on the subject, addressed to Colonel Cloete, in reply to one he had written about patrols being sent out.

In this letter, Pretorius admitted that patrols had been sent out (commandoes on a small scale, but doing nearly as much mischief), but without his sanction. One of these was under Rudolf, who coolly informed Mr Lindley, with reference to the death of these six men, that it was necessary to kill a few of these Kafirs, otherwise they would not believe them to be in earnest.

I think it was on this day that two wagons which I had sent to Pietermaritzburg for the remaining Government stores, returned with scarcely anything, merely bringing a statement, signed by Mr. Boshof, that there was nothing more to send.

Lieutenant Maclean, of the Royal Artillery, proceeded to Pietermaritzburg for the purpose of purchasing horses for the Cape Mounted Rifles, and to him I entrusted two letters, of which I send copies, the tenor of which I trust your Excellency will not deem at variance with my instructions. To these I received answers by Lieutenant Maclean; and it is to that of Mr. Boshof that I wish to call your Excellency's attention, for it makes mention of matters connected with a treaty with Colonel Cloete, which neither appear in it nor in the private instructions I have been furnished with, but which cause me much embarrassment in arranging matters with the farmers.

To avoid prolixity, though at the risk of wearying your Excellency's patience, I send copies of Colonel Cloete's instructions to me, as well as some queries I made, to which his answers are appended,

together with a rough draft of memorandum. \* \* \* I think your Excellency will agree with me that in all terms entered into with contending parties, the limits ought to be defined to avoid subsequent disputes. Conversational arrangements (a strange phrase, but which best explains my meaning) have the worst effect, for they either lead to hopes and undue influence on the one side, or to vexatious uncertainty on the other.

The latter, I confess, is my present situation. To explain this, I must be pardoned for referring to the treaty, making such observations as occur to me on each article in succession; and here I beg leave to say that I do so, not merely to criticise, but solely with a view to make my situation known to your Excellency, in order that I may have the benefit of your mature judgment on the matter.

To the first and second articles I need not allude at present, but pass on to the third, which provides that all cannon shall be given up, those taken as well as others, with ammunition and stores. Now, the only cannon given up are our own, and those taken from the "Mazeppa;" for Colonel Cloete permitted Pretorius to keep a small brass cannon, which he claimed as belonging to himself; and the observation of Mr. Boshof will explain why the others have not been sent here in accordance with the treaty.

I will not canvass their being allowed to retain cannon in their present state of impatient submission, but merely state that when their possession was conceded, it should have been so stated in the paper containing the terms. \* \* \* Article 4 guarantees the restitution of all public and private property.

Mr. Boshof states \* \* \* that he prepared a list at the request of Colonel Cloete, marking with an \* such articles as were supposed to be in possession. This list Colonel Cloete took with him; therefore your Excellency will, by referring to it, observe that the articles marked embrace little more than half of those on the list. Those marked were all that Colonel Cloete required to be restored; and yet of these no great proportion has been sent down, for I have been given to understand that the store has been twice broken open since the treaty.

Of private property, a large quantity has never reached the owners; for, though many of the boxes have come down, their contents have vanished.

Article 4, therefore, as it appears in the treaty, and Article 4 as it appears frittered down by subsequent concessions, are a very different thing.

The first seems fair enough, but thus modified it has left an opening, which has been gladly seized, of evading the chief part of its provisions.

Here I may remark that the list proves that the majority of the Boers must have sanctioned the acts of piracy and robbery committed, for they appear very systematically to have kept an account of the number of wagons employed, their owners, and the loads they conveyed to Pietermaritzburg, where the loads were placed in the public store, and the hire of the wagons paid out of the £500 seized from Mr. Cato and others. Much, however, fell into private hands, for the list does not contain the whole of the property that has been taken.

With respect to the cattle, a source of much expense, I beg to state that upwards of 200 head remain still unreturned; but, for the reasons assigned by Mr. Boshof, I believe Colonel Cloete did not require their complete restoration.

All the soldiers' muskets returned are without ramrods, and otherwise much mutilated.

Two I recovered yesterday from an inhabitant of this place, and one was given in charge to a servant of Mr. Dunn's on the 2nd, by one Bestendig, whose father holds a situation in Cape Town. The young man served with the Boers, so the father has a hopeful son.

The above are the chief differences between the treaty as it appears on paper, and its modification as alluded to by Mr. Boshof, and this discordance has, as I observed before, caused me much perplexity and embarrassment. In the one case, a complete restoration of stores is demanded and acceded to; in the other, their provisions are almost multiplied by subsequent concessions, and a door opened for their partial evasion by allowing the Boers to return only what they chose to admit having.

Having thought fit, as a body, to place themselves in opposition to the Government, they by this act rendered themselves amenable to repair, as a body, the damage they had committed. When the Bristol rioters destroyed the property of their townsmen, the sufferers came upon the county for the loss they had sustained. Assuredly the Boers have been gainers rather than otherwise by their rebellion—for they retain much public and private property, besides many head of cattle; and, after having shot our horses, obtain an excellent market for their own, for which they demand and receive an exorbitant price.

Leaving the consideration of the treaty, I beg to explain the



few steps I have thought fit to take, until I hear further from your Excellency.

Many of the farmers have demanded pay for the cattle slaughtered, as they state, since the treaty; but before they sought for or demanded them, I have refused such payments to be made, except in the case of one Meyer, whom Colonel Cloete directed to be paid for five cows, killed when in our possession. I have taken this step, though somewhat at variance with Colonel Cloete's memorandum, because I think it right, considering the number of our cattle unaccounted for, and because I have no means of accurately estimating the value of their claims. Many would not scruple to declare that they had lost cattle in order to secure payment; for several, as I afterwards ascertained, claimed and received cattle from our kraal which did not belong to them.

2. I have endeavoured to effect, chiefly through the agency of Mr. Ogle, the restoration of all cattle in the possession of the Kafirs known to belong to the Boers; but I have forbidden the latter to claim from the former any cattle as compensation for such as may have been slaughtered during the late disturbances.

If once permitted to compel the Kafirs to make good what they affect to have lost, it will only lead to bloodshed and confusion, from the impossibility of ascertaining by what tribe or person the cattle claimed have been destroyed.

3. In a letter, dated from Umgazi, I informed your Excellency that the Boers had sold much of the ground of the proposed site of a town at Natal as building "erven." On enquiring, I found that none of them had been paid for; and, therefore, perceiving that some persons had commenced building, and others expressed their intention of doing so, I put up the notice in Dutch and English (a copy of which I enclose). Had permission once been given, or tacitly admitted, the whole of the valuable land round Natal would have been built upon, and Government thus prevented, if it thinks fit, from forming the nucleus of a revenue out of these "erven;" for a valid claim to them I know cannot be established.

The 6th article of Colonel Cloete's ratification of the treaty, I think, fully justifies me in this step, which I trust your Excellency will approve of.

Mr. Archbell having proposed to erect a Wesleyan chapel, as well as a residence for himself, these are the only buildings to the erection of which I have acceded; but, the first being for a religious

purpose, and the next for a similar object, I thought it fit that they should be made exceptions.

The Boers are about to elect another commandant-general, Pretorius having resigned. Rudolf is the person who is likely to succeed,—a man who was one of our most inveterate opponents, and who headed the patrol against the Kafirs before mentioned. Your Excellency may remember my having before stated that he had purchased a number of “rights,” as they are called, for a mere trifle. I believe him to be a violent and unscrupulous character.

I have thus detailed all the matters to which I think it necessary to call your attention, and, in giving my opinion, have done so fearlessly and frankly, though at the risk of their being partially disapproved. But your Excellency, on a former occasion, generously expressed a wish that I should unreservedly communicate my sentiments, although possibly at variance with your own, and I have, therefore, availed myself of the privilege, well knowing that your better judgment will correct anything erroneous or faulty in mine.

I have, &c.,

(Signed) J. C. SMITH, Captain, 27th Regt.

#### CAPTAIN SMITH TO MR. RUDOLF.

Port Natal, August 19th, 1842.

SIR,—I have to acknowledge the receipt of your letter of 13th instant, communicating to me your appointment as commandant, and stating in general terms that you had been applied to, in that capacity, by several of the farmers for assistance to recover their cattle, which they affirmed had been stolen by Kafirs, and wishing to know if I intended to interfere in the matter. I beg to inform you that I have distinct instructions from His Excellency, Sir G. Napier, to prohibit commandoes going out against the Zulus, or other native tribes, unless a written statement of the facts is first given in, when I am to endeavour by every means in my power to settle the matter in dispute without recourse being had to forcible means, unless all others shall have failed.

Then, and then only, does His Excellency sanction a commando being permitted, in which case it is to be accompanied by a British force, and a restitution of the cattle demanded and enforced; but acts of violence and bloodshed are to be carefully avoided.

Acting, therefore, under these instructions, I cannot sanction any hostile parties being sent against the Kafirs, but shall use every means in my power to compel them to restore all the cattle in their possession belonging to the farmers. To effect this the more readily, it is desirable I should be furnished with a list of the cattle stolen, the owners' names, and, as far as can be ascertained, the chiefs by whose tribes the robbery has been committed.

Much has already been done here in the way of restoration without recourse being had to coercive measures, and I see no reason to doubt the efficacy of similar efforts in the present instance.

I remain, &c.,

(Signed) J. C. SMITH, Captain, 27th Regt.,  
Commandant of Natal.

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#### CAPTAIN SMITH TO MR. J. N. BOSHOF.

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Port Natal, 2nd August, 1842.

SIR,—By the last wagons from Pietermaritzburg, a few articles belonging to the Government have been received, with a statement appended to the accompanying inventory, that no more were remaining.

By a comparison with the list furnished by yourself, it does not appear to me that all the articles mentioned by yourself, as being in the public store at Pietermaritzburg, marked \*, have been returned.

Considering, therefore, that the farmers have not fulfilled in this instance, as well as in some others, the articles of agreement entered into between them and Colonel Cloete, I now call upon them to do so, with a view to putting a stop to any future dispute on the subject.

The terms of agreement, to which I now particularly refer, are these:—

The giving up of all cannon, those taken as well as others, with the ammunition and stores. The restitution of all property, public and private. Among the unreturned Government property, I may mention several soldiers' muskets, and very many head of cattle now in the possession of private persons.

I therefore request that you will lay the above before the emigrant farmers, with a view to its receiving their serious con-



sideration, as, I make no doubt, they are equally desirous with myself to avoid disturbing the arrangement which has taken place, and will at once perceive that this cannot be done but by a due fulfilment on their part of the articles of agreement they have solemnly entered into.—I have, &c.,

(Signed) J. C. SMITH, Captain, 27th Regt.,  
Commandant.

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MR. J. BOSHOF TO CAPTAIN SMITH.

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Pietermaritzburg, August 8th.

SIR,—I have duly received your letter of the 2nd instant, and in answer to the same beg to state that when Colonel Cloete, when at this place, demanded a list of such articles as were still in our possession, I informed him of the impossibility of complying with his request in such a short time, as it would take several days to unpack the goods, the manner in which the same were stored for want of room rendering it impossible to frame a correct inventory. I, however, procured a list of the several wagonloads sent up to this place, and from the information which I could obtain I marked with an \* all such items as were supposed to be yet in our possession, and when I handed that list to Colonel Cloete I stated the case to him, as I have now done again. As to the cannon, I also stated to Colonel Cloete that there were, besides those taken, only two belonging to us.

He saw them, and upon my observing that we might require the use of them, in case of an attack by Kafirs, and that he would never use them, Colonel Cloete seemed not to press the giving up of them at all; and I have no doubt that, if Lieutenant Maclean describes to you what kind of pieces they are, you will also have no objection to let them remain here: the more so as their removal will be construed into a belief that we are excluded from protection.

Should you, however, insist upon our giving them up, there does not, or did not, exist any intention not to comply. We have some soldiers' muskets which were not sent down, because they were not marked "27th," and not identified. Mr. Pretorius, however, believes that they were of those taken, as none others were sent up here. With respect to the cattle, Colonel Cloete was informed that the number at the time of the terms being agreed upon was considerably short of that when they were seized, many of them having

gone astray, or got lost or stolen, and some being exchanged to the people for slaughter. The latter are, I believe, those which may have been in possession of the people. Should any, however, be still discovered, they will be returned, of course.—I have, &c.,

(Signed) J. BOSHOFF.

## INSTRUCTIONS

FOR THE OFFICER IN COMMAND OF THE TROOPS, PORT NATAL,

Port Natal, 21st July, 1842.

1. After the troops ordered to return to Cape Town shall have embarked, there will remain at Natal an effective force of—

Royal Artillery: 2 subalterns, 1 sergeant, 21 rank and file. Royal Sappers and Miners: 2 subalterns, 2 sergeants, 16 rank and file. 25th Regiment: 2 subalterns, 3 sergeants, 57 rank and file. 27th Regiment: 2 captains, 4 subalterns, 10 sergeants, 4 drummers, 256 rank and file. Total: 2 captains, 10 subalterns, 17 sergeants, 4 drummers, 361 rank and file.

Two 18-pounders for the defence of the Point; two 6-lb. field-guns, complete; two 12-lb. howitzers; two small do.;

with abundant stores, ammunition, provisions, and boats for every possible requisite.

2. This force is specially intended for retaining possession of the Port of Natal.

3. The Point is, therefore, directed to remain the general dépôt and headquarters of the troops. It has been so strengthened as to place it beyond every possible risk of insult; and the completion of the defences in progress will enable it effectually to command and protect the harbour. It should never be left with less than 150 effective men for its defence.

4. The camp is to be considered in no other light than an entrenched outpost, for the greater security of the Point, and to enable the officer in command more effectually to control the country, and more readily to afford protection to its inhabitants.

5. Authority has been given to complete the purchase of twelve horses for the Cape Corps, and twelve for the field-guns.

6. The intentions of the Government and the arrangements

entered into are so well known, that it is unnecessary to refer to any of them. It will, however, be the earnest duty of the officer in command, after securing himself against every possible collision between the troops and the inhabitants, to carry out, as far as practicable, the principle of restitution of private property, which has generally been held out to the inhabitants, and acted on by me. No hopes of any kind of indemnification are, however, to be held out.

7. Mr. Ogle has named Thursday or Friday for settling, as far as possible, the cattle claims on the natives; and I have intimated that on Saturday, the 23rd, and Monday, the 25th, the horses and cattle in our possession should be returned to their rightful possessors.

8. The officer in command will communicate direct with headquarters, sending in the usual monthly returns, including stores, ammunition, and provisions.

9. It is so desirable that the company of the 25th should rejoin the regiment as soon as possible, that the officer in command will order them to Cape Town whenever he can safely dispense with their services, which, it is hoped, the tranquillity of the country will enable him to do as soon as the defences at the Point are completed.

10. The enclosure No. 3 is an account of a sum of £510, of which the balance, Rds. 1,666 - 3 - 5, is to be restored, and Rds. 3,333 - 2 - 4 is accountable for by the authorities at Pietermaritzburg.

(Signed) A. J. CLOETE, Lieut.-Colonel,  
Dep.-Qr.-Mr.-General, Commanding.

## QUERIES AND REPLIES.

### QUERIES BY CAPT. SMITH.

### COL. CLOETE'S REPLIES.

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|--|---|
| 1. What is the principle of restitution?   | Answered.   |
| 2. In the event of the Dutch attacking the Kafirs?   | To prevent this as much as possible, and to require a report.     |
| 3. The same, if the Kafirs attack the Dutch?   | To use the same exertions, and report the causes.                 |
| 4. In the event of all the property enumerated in the Dutch list not being returned, what steps are to be taken? | An official demand to be made, and reply forwarded to Government. |



QUERIES AND REPLIES—(*Continued.*)

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|---|---|
| 5. Boundaries ?   | Answered.   |
| 6. If the Boers collect within the boundary, what then ?  | If this takes place in arms, order them to disperse. If they refuse, drive them away                              |
| 7. Fiscal and legal rights, how far to be interfered with ?   | Answered. The duties levied to be retained for Government decision. Articles of produce to be exported duty-free. |
| 8. Duties to be levied on imported goods, and by whom ?   | None on exported.   |
| 9. With reference to what has already occurred about the death of Kafirs reported this morning, I wish for instructions; these people having received instructions to bring cattle. | It has been forcibly put to Pretorius, prohibiting acts of violence against the natives.                          |

CAPTAIN J. C. SMITH TO SIR G. T. NAPIER, K.C.B.

Port Natal, August 16, 1842.

SIR,—I take up the pen to write a few hasty lines to your Excellency, to inform you that I have just received a letter from G. J. Rudolf, acquainting me that he has been appointed commandant, consequent upon the resignation of Pretorius. In this letter, he wishes to be informed whether I intend to interfere with regard to cattle stolen by the Kafirs, as he has been applied to by the Boers for assistance to recover them. He complains that the Kafirs threatened those who went in search of their cattle with their assegais, telling them to try and take them. I have not yet written in reply to this communication, but will, if possible, try to effect an arrangement without allowing the patrol to go out; that is, if the Boers will abstain upon my recommendation, which I doubt.

I have heard that a determination has been come to that the balance due upon the £510 shall not be paid. This is stated by a Mr. McCabe, who was employed by Mr. Cato to look after his goods at Pietermaritzburg. Other reports have been brought down by

the same person respecting the hostile feeling and determination of the Boers; but his information is probably tinged by irritated feelings, and must therefore be received with caution.

I did intend to have written to your Excellency respecting the defences in progress and contemplated for this place, but am anxious the post should not be delayed. Lieutenant Fuller has, however, written on the subject to the Commanding Engineer, and in the observations he has made I most fully concur. He has suggested, if I remember right, traversing platforms for the large guns destined for the Bluff, and this I think most essential, from their greater facility of working, and requiring less men.—I have the honour, &c.,

(Signed) J. C. SMITH, Captain, 27th Regt.,  
Commandant.

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CAPTAIN SMITH TO SIR GEORGE NAPIER, K.C.B.

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Port Natal, August 20, 1842.

SIR,—I have written so fully to your Excellency by the overland mail, on the 16th instant, which will probably reach you at the same time with this, that I have but little left to communicate.

In a hurried letter, I mentioned having been applied to by the new commandant, G. J. Rudolf, on the subject of commandoes, and I now enclose my reply (No. 1), which I hope will have the effect of preventing these parties being sent out; for I have been assured by Mr. Lindley that it is more with a view of intimidating the Kafirs than for the recovery of cattle; and I have been further given to understand by one who resides at Pietermaritzburg, that many of the Boers complain of losses who have been no sufferers whatever.

I also wrote to Mr. Boshof, in reply to the letter I forwarded your Excellency by the overland post, as well as to one containing an application for the younger Breda to come to Natal. A copy of this letter to Mr. Boshof I also enclose (No. 2), and trust both will meet with your Excellency's approval.

I have been informed that Stephanus Lombard has been elected president of the Volksraad, and that Burger is still continued secretary. That they should retain this person in the situation of secretary after his having been excluded from the amnesty, does not show a disposition to submit; and should a communication reach me signed by him, I shall refuse to act upon its contents, on the grounds of his being an ineligible person to hold any intercourse with from

the position in which he is placed. None of these appointments, however, except Rudolf's, have been officially communicated to me.

A (German) Dr. Schultz has forwarded me the enclosed demand. I replied that I had no power to comply with it, but would refer it to the proper authorities for their decision.

Mr. Ogle has applied to me under the following circumstances : Mr. Palmer, the commissary, ordered him to bring twenty head of cattle to the camp for the use of the troops. These were seized on their way by the Boers at the Congella, and therefore, not having been delivered, Mr. Palmer declines payment.

About thirty head of cattle belonging to Mr. Breda have been brought to me by Mr. Ogle, who recovered them from the Kafirs. These I have detained until I receive your Excellency's orders thereupon.

The more I see of this country, the more convinced am I of its being admirably adapted for the purposes of colonization. Cotton (of which I enclose a single pod as a specimen) grows remarkably well ; and Mr. Lindley, who comes from a cotton-growing country in America, assures me that he makes no doubt it would be a most productive article of commerce. Native labour is not difficult to procure, and this would materially aid its cultivation. The sugar cane also thrives well ; and that coal exists in considerable quantities there is no doubt : its distance, however, inland (about 130 miles) is a drawback ; but with energy, capital, and enterprise, this difficulty would soon vanish. Now, might not a company be formed (the road is not bad, and may be greatly improved) to mine for and transport this coal, which is stated to be equal to what they call second-rate coal in England ? The Dutch will *not* do this, being deficient in the energy requisite for such undertakings ; but certainly the English *will*, when once they understand that coal exists here, and that there are no insurmountable difficulties to overcome.

A wagonload, Mr. Lindley informs me, was brought into Pietermaritzburg a few days ago, and sold immediately.

For an African harbour, Natal is by no means a bad one, and might be improved. Entering and leaving it with certain winds is difficult ; but a steam-tug will find its way here with the increase of trade, and thus obviate these disadvantages.

I ought before, this to have brought under your Excellency's notice the exertions of Mr. King, when entrusted by me with the overland despatch of the 24th May. His energy and determination



in making his way so promptly to the colony was worthy of all praise.

Mr. Ogle's agency has been useful, upwards of 600 head of cattle having been already restored to the farmers through his influence over the Kafirs.—I have the honour, &c.,

(Signed) J. C. SMITH, Captain, 27th Regt.,  
Commandant.

P.S.—In my despatch detailing the unfortunate attack on the Congella, I stated that the farmers had sent me an insolent letter, demanding I should instantly quit the territory of Natal, complaining at the same time that I had dishonoured their flag and torn down their proclamations, and the original of this letter accompanied the Despatch, and has therefore been seen by your Excellency. My reply, however, I did not forward, but have given a copy to Colonel Cloete, and would be glad if your Excellency would peruse it, as I think it is as temperate a communication as could possibly have been written under such circumstances; but, notwithstanding, it was returned in the most insolent manner, being literally thrown into the camp. This proceeding shows but too plainly, although their apologists maintain the contrary, that they used every means in their power to cause collision to take place. It also proves the fallacy of a statement put forward in some of the papers, that they were not duly made acquainted with the intentions of Government.—(Signed) J. C. SMITH.

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#### CAPTAIN J. C. SMITH TO MR. A. W. PRETORIUS.

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Port Natal, August 7, 1842.

SIR,—I have to acknowledge the receipt of your letter of the 25th of July, and am glad to learn that neither the patrol sent to the Umgeni nor that to the Clove received your sanction; and I trust you will use your earnest exertions to prevent their going out in future, as by this means the peace of the country may be best preserved. It is most desirable that aggressions should be prevented on either side, and that, while the property of the farmers is respected, that of the Kafirs should be left unmolested also.

With respect to hunting in the Zulu country, I think it scarcely advisable at the present moment, while the natives are in such an excited state, as it may possibly lead to some disturbance. At all

events, it should not be done without leave being first obtained from Umpande.

The other matters alluded to in your letter had better be dealt with in the manner hitherto resorted to by the farmers on similar occasions, as it is not intended any interference should take place in their civil arrangements until Her Majesty's pleasure on that subject be made known.—I am, &c.,

(Signed) J. C. SMITH, Captain, 27th Regt.,  
Commandant.

CAPTAIN J. C. SMITH TO MR. J. BOSHOF, LANDDROST.

Port Natal, August 19, 1842.

SIR,—I have to acknowledge the receipt of your letter in reply to mine of the 2nd instant, wherein I complained of the non-fulfilment of the treaty, and requested the subject might be laid before the emigrant farmers for their consideration. You referred in that reply to many subsequent arrangements of Colonel Cloete, which do not appear in the treaty, and which were not communicated to me by that officer, and I therefore thought fit to send copies both of my letter and the answer to Cape Town, in order that Colonel Cloete may be referred to on the subject, with a view to his stating the modifications he subsequently introduced into the arrangements in question.

As you have abstained from communicating my letter to the farmers, lest it should lead them to doubt my intention, I have no objection, if you think it likely to produce such an effect, to its being held back for the present, although I see nothing in it calculated to excite suspicious feelings. I have there stated it as my belief that the only way to avoid disturbing the arrangement which has taken place, is by an honest fulfilment of the articles of agreement, and I think so still. My purposes are straightforward, and I endeavoured so to express them in my letter.

I am much surprised at the balance of the £510 not being yet remitted. Will you afford me an explanation on the subject? Your application for Mr. Breda to proceed to this place, I must unquestionably decline granting; for were he to come hither, I should feel it my duty, as a magistrate, to arrest him on a charge of piracy for plundering the "Mazeppa."—I remain, &c.,

(Signed) J. C. SMITH, Captain, 27th Regt.,  
Commandant.

## MR. W. GUEINZUIS.

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[From the "Zuid Afrikaan," Cape newspaper, 23rd August, 1842.]

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To the Editor :

Cape Town, August 20, 1842.

SIR,—With the greatest disgust, I observed in the *Graham's Town Journal* of the 11th instant the following communication :—

"In the 'Maid of Mona,' which put in here (Port Elizabeth) for a day, was a Mr. Quincias, a German naturalist, having, as most of these gentlemen have, some knowledge of medicine. To him the leaders of the Boers applied to poison the small 'vley' of water from which Captain Smith derived his supply. The honest German refused, and by his entreaties induced them to forego their intention; but not before Quincias' refusal had been fully discussed in the Raad. Quincias' little houseful of curiosities had been generally respected; but when Colonel Cloete came, the soldiers, not knowing friend from foe, entered and commenced a system of appropriation which was very rapidly emptying his house. He applied to Colonel Cloete, who asked him why he did not take care of his things? The reply of the poor fellow was, 'Take care! why, see! there are your own men carrying them away.' The rejoinder was, 'Well, I can't help it.' This is as I had it translated, for my own knowledge of German did not carry me far enough without. The German was miserably dressed, having been stripped of everything. The clothes he had on he had obtained from a Zulu, who had picked up some of the straggling remnants, and which Quincias was glad to get by way of a change."

I therefore feel compelled to offer some remarks upon the same, considering that I cannot allow the honour and character of the individuals, whom I have learned greatly to respect, thus to be assailed.

Having left Natal in the "Maid of Mona," we were compelled by stress of weather to run into Algoa Bay, where I had an opportunity of going on shore, intending to visit some of my native friends. Stepping on shore, however, I met the captain, who suggested the expediency of immediately returning on board, it being his wish to put to sea, so that I had only the good fortune to meet two of my countrymen on the beach, who had already received more information concerning me from others who had previously left Port Natal



than I had anticipated. The short space of ten minutes allowed me to remain on shore, was made available to reply to the numerous questions of my friends, and to give them further information, but merely for themselves, and not for the purpose of publicity. And although the leading points in said communication are true, my statement has, however, been wrapped up in such a partial and malicious manner, that I feel positively convinced that neither an Africander, much less one of my countrymen, can have made the said communication, which is further borne out by its erroneous statement of my name; while as regards the accusation itself, I must candidly declare that it is perfectly untrue, nay impossible, that the chief commandant and the other esteemed men composing the council of the farmers, and who invariably exhibited the most noble proofs of gallantry, could for a moment even have cherished the idea of taking into their consideration such a detestable scheme, devised only by rude and barbarous beings, unworthy the company of the farmers.

No, sir! I repeat that it is untrue and impossible; and could adduce as a proof the humane conduct displayed by Mr. Pretorius and his men towards the wounded in the affray at Congella, who, chiefly on the ground that they could not receive sufficient medical treatment in the camp of the farmers, were sent back to the English camp with the greatest care and humanity, to which those men will certainly bear witness; as also how the farmers, often with tears of the most upright sympathy, came to inquire whether the necessary assistance was rendered to their wounded enemies.

The loss of part of my property at Congella is certainly a great loss to me; but in honour to the noble and gallant Colonel Cloete be it said, that he, in conjunction with the officers surrounding him, lost sight of nothing that could tend to prevent the retaliating acts of the otherwise disposed troops under Captain Smith; for without the effectual measures of the said noble-minded and prudent officer, Congella would most certainly have been ruined, and many innocent individuals and families thereby reduced to beggary.

Had Captain Smith and his officers taken an example of the extremely kind officers of the 25th Regiment, they would certainly not have rudely insulted innocent foreigners authorised by the Commander-in-Chief to have their goods restored to them, and certainly not refused to restitute that which does not belong to them.

(Signed) W. GUEINZIUS.

## SIR GEORGE NAPIER TO LORD STANLEY.

Government House, Cape Town,  
23rd August, 1842.

MY LORD,—With reference to my former communications relative to the affairs of Port Natal, and in order to put your Lordship in possession of as accurate details as it is in my power to furnish with regard to all the questions connected therewith which have come under my notice, I have the honour to transmit :—

1. Copy of my letter to Lieutenant-Colonel Cloete, 19th July.
2. Of my letter to him, 12th instant.
3. Letter from emigrant farmers, 16th July.
4. My three letters to Captain Smith, and enclosures, 19th inst.
5. Copy of Lieutenant-Colonel Cloete's letters to me, same date.

As my letter to Colonel Cloete did not reach him prior to his departure for Natal, it was impossible for him to alter his line of procedure in consequence of anything therein contained, and I only transmit a copy to show my views upon hearing that he had issued a proclamation offering a pardon to all who might come in and acknowledge their allegiance to the Queen. As Colonel Cloete in his subsequent proceedings did exclude certain persons from the amnesty offered to the rebels, it became only necessary for me to consider whether a sufficient number of exceptions had been made, and whether the circumstances of the case warranted the extension of a pardon to Pretorius.

The perusal of Lieutenant-Colonel Cloete's letter of the 5th instant, transmitted in my despatch No. 150, of the 9th instant, as well as the statement which that officer has made to me on the subject, expressive of his confirmed opinion that, from his personal observations, he feels assured of the intention of the emigrants honestly to fulfil the conditions under which an amnesty was granted to them, have led me to conclude that he has exercised a sound discretion by thus, in virtue of the power vested in him by me, bringing about a speedy termination of hostilities by the pardon of a man who, although the nominal leader of the rebellion, had been most active in preventing his more reckless associates from committing murder of the civil prisoners who fell into their hands.

Considering the service for which the 25th Regiment was under orders, the difficulty of providing transport for his troops in the

event of a forward movement, the certainty of increasing the feeling of animosity towards the British Government by an attempt to hunt down and exterminate those who had appeared in arms, and the improbability of his being able to capture any of them, or to do more than destroy the remnant of their property at Pietermaritzburg, I have been forced to the conclusion that, being obliged to choose between the prosecution of a desultory, unprofitable, and protracted warfare and an amnesty, which left everything for the future disposal of the Crown, Colonel Cloete acted wisely, and therefore I have not hesitated to take upon myself the responsibility of his measures by approving of these arrangements.

I was the more induced to take this course, and to consider it the only one that I could follow with advantage, because it seemed to me all-important that, if the present detachment is hereafter withdrawn, there may be as little grounds as possible left to the emigrants for retaliating on the natives, or on others favourably inclined to English interests, when the protection under which these parties were induced to display their friendly feelings is withdrawn.

The line of conduct which my letters to Captain Smith have laid down is in unison with these views, and will, I trust, meet with your approval; the more so especially when I again point out that it is hopeless to expect the Boers to return to this colony, and abandon a country to which they are strongly attached, and where they are established, having already a village of some considerable extent; and that, so far from wishing to return, there are many who would hail with delight the removal of the troops, and who would never live under British government if they could avoid it.

In the event of a final abandonment of Natal by Her Majesty's troops, sufficient time must, of course, be allowed to those who may be willing to leave and to return to the colony; and they must be warned that no protection can be afforded to them in a country where the right of the strongest would be the only law. But I wish again to draw your Lordship's serious consideration to the consequences which such an abandonment would entail on the destinies of the natives. Already, as Colonel Cloete has stated in his letter of 5th instant, has the increase of these people in the neighbourhood of the Boers become a question of considerable importance and difficulty. Their removal had been determined on before the arrival of the troops, and will not long be delayed after the post is evacuated.

Such of them as are required for servants will be retained, and the rest driven forth, either to be destroyed by other tribes, or to



make a new settlement on some portion of the unoccupied land, of which there is such an abundance in South Africa.

It has been your Lordship's glory to have taken an active part in suppressing the slave trade. England has spent much treasure and sacrificed many lives to attain an object on which the civilized world has set so high a value; and, therefore, I feel doubly anxious that measures should be adopted for effectually preventing slavery being perpetuated by British subjects, and in a territory adjacent to a British colony. If I saw any other mode of effectually preventing the oppression of the native tribes, if I could imagine that, by any power that could be applied, the emigrants could be brought back to the colony, or that, when brought back, they could have the means of subsisting, and that by future enactments we could prevent the white man, prompted either by the desire of change or the wish to escape from authority, from pushing forward beyond the boundaries, I should not advocate an extension of your territories, to which principle, as your Lordship remarks, there is no assignable limit; but after giving the subject my best consideration, I cannot satisfy myself that non-colonization will prevent those trespassings and collisions which, unhappily, have of late been so frequent in South Africa; but, on the contrary, I am satisfied that in the end we shall have to follow those whom we might have led and controlled.

In considering the question, I have never been led away by the flattering accounts of the beauty of the country and its fertility, in which so many travellers indulge. I have always had before me the dangers of the anchorage and the difficulty of entering the harbour; neither have I been sanguine as to the profit likely to be derived from colonizing Natal. I have never for a moment viewed it as a lucrative possession, nor have I been unmindful of the expense of its settlement as a colony. I, therefore, do not wish it to be understood that I go the length of Colonel Cloete in my views regarding it; but I trust that, if Natal be again evacuated, it will be found that the leniency which has been shown will not be without effect in alleviating the hardships to which the natives must be exposed; and it is on this ground, independent of others connected with the emigrants themselves, that I venture to hope that these proceedings will, by eventually proving the most politic, meet with the approbation of Her Majesty's Government.—I have, &c.,

(Signed) G. NAPIER.

LORD STANLEY TO SIR GEORGE NAPIER.

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Downing-street, 25th August, 1842.

Major-General Sir G. NAPIER, K.C.B., &c., &c.,  
Cape of Good Hope.

SIR,—I have to acknowledge the receipt of your despatches Nos. 114, 115, 116, and 117, of the 11th, 13th, and 17th June last, from which I learn with deep regret the disastrous failure of Captain Smith's attack upon the camp of the Boers at Congella, with loss of his guns, and the critical position in which that officer was placed in consequence. It is much to be regretted that opinions so wide of the truth as to the disposition and resources of these emigrants, should have led to the attempt to occupy Natal with a force which now appears to have been so disproportionate to its object, the more so as, from the urgent demands in other quarters I am compelled, as you were informed by my despatch of 6th May, to weaken rather than increase the force permanently placed at your disposal. It is gratifying to me, however, to be able to express the sense which I entertain of the prompt and vigorous measures adopted by Colonel Hare in forwarding an immediate reinforcement to Captain Smith upon his own responsibility, and also to convey to you my approval of your having, under the difficult circumstances in which you were placed, strengthened the force at Natal by detaching from the seat of government five companies of the 25th Regiment, notwithstanding the receipt of instructions to have that regiment ready for service in India. You will, I am sure, be duly sensible of the importance of not delaying longer than is absolutely necessary to forward that corps according to its original destination; and I am in hopes that, even should the service on which it has now been sent not be brought to a close before the arrival of the transports from India, you may still be able to spare it, in consequence of the arrival of the six companies of the 91st from this country, which it was intended should relieve the 75th. You will, of course, under present circumstances, consider yourself authorised to detain the latter regiment so long as may be absolutely necessary, even after the arrival of the three companies from St. Helena; but this, I trust, will not be the case. I have communicated to the Earl of Aberdeen so much of your despatches as relates to the conduct of the "Brazilia;" and have requested him to take such steps as he may deem necessary in conse-

quence. I can have no doubt, however, but that the Dutch Government will at once repudiate the idea of their having given the slightest authority for such proceedings, or of having any intention to encourage the rebellious disposition of the emigrant farmers.

You will, I doubt not, feel it incumbent upon you to institute a strict inquiry into the causes which led to the non-appearance of the gun-boat with the howitzer, to which Captain Smith attributes in great measure the failure of his attack on the camp.

The immediate sailing of the vessel which is to convey this despatch, leaves me little time for any detailed instructions, even if such instructions could arrive in time to meet the exigencies of the case, or could be framed with a knowledge of the circumstances in which they may find you. I do not, however, see any cause to abandon ultimately the line of policy marked out to you in my despatches of 10th April and 6th of May, though the recent events will probably render the immediate abandonment of Port Natal unadvisable.

To withdraw in the present state of affairs, and without having vindicated the authority of the Crown, and restored the supremacy of British power, would be highly discreditable, and would virtually admit the triumph of a few undisciplined Boers over the Queen's troops, acting in support of Her Majesty's indisputable prerogative. Such a course I cannot suppose that you would for a moment contemplate; but, at as early a period as circumstances will permit, I wish you to recur to and act upon the instructions conveyed to you in my despatch of 10th April last.—I have, &c..

(Signed) STANLEY.

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CAPTAIN J. C. SMITH TO SIR G. T. NAPIER.

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Port Natal, 13th September, 1842.

SIR,—By the arrival of the "Pilot," on the 3rd inst., I had the honour to receive your Excellency's communication of the 19th of last month. I will not presume to touch on the matters discussed in the first portion of it, but trust your Excellency will pardon me for explaining a passage wherein I must have expressed myself so vaguely as to be misunderstood. I certainly did hope to surprise the Boers, but was by no means prepossessed with the idea that they would run away the moment they were attacked. Had I deemed them so pusillanimous, I would not have selected the night for that



purpose, as any other time would have answered equally well. The fact was, I thought it probable the troops would suffer less by the plan I adopted, and think so still, had the boat afforded me the assistance I expected. Judging by the ground between this and the Congella (carefully inspected by me before and since the attack), I feel satisfied that I could not have carried that place in the daytime without much loss; and to elucidate this, I am preparing a correct sketch of the surface in question. As to the number of the Boers congregated there, your Excellency may remember my having informed you, on the 16th May, that 100 had just arrived, in addition to those already at the Congella, and that their whole force was estimated at 500, though I thought it over-rated. But at no time after this period was the force there a small one, as I have means of proving, though I am aware the Boers have so stated it to have been. But a proof of their little regard to veracity I will enclose and remark upon in its proper place. I may incidentally mention, however, while on the subject, that rations were drawn at the Congella for 310 men on the morning of the 23rd May, exclusive of the drivers and leaders, who were numerous.

Most respectfully do I venture to differ from your Excellency wherein you infer, from the fact of the rebels having failed to withstand the force under Colonel Cloete, that they would have fled with equal facility before that which I commanded, had the attack on the Congella been made in the daytime. With a numerical strength three-fold to mine, and wholly unincumbered, Colonel Cloete landed in the boats, and under cover of the fire of a large frigate, aided by the "Conch" within the harbour, judiciously fitted up for offensive purposes; while the post I commanded was in rear of the insurgents, and consequently kept a considerable portion of them in employment. Besides, the Boers well knew that the crew of the frigate, in addition to her batteries, could at any time have been made available, should it have been necessary. Now, at the time of my attack on the Congella, I had little more than an isolated force of 200 men, was embarrassed with a vast train of wagons and oxen, and had two posts to defend; so that my available force for any offensive purpose was necessarily but small,—circumstances of which the Boers were fully aware, the newspapers having indicated long before my arrival the strength of the party I commanded. I cannot, therefore, with all due deference to your Excellency's judgment, consider that a sufficient resemblance exists between the two situations to render the inference in question very obvious.

And here I once more beg your Excellency's pardon for again obtruding the subject on your notice; and will now turn to those matters connected with my present position, to which the remaining portion of your letter bears reference.

The new instructions furnished me appear to meet the different points connected with the position of the emigrant farmers as nearly as they can be met at present; as circumstances develop themselves, certain modifications may be necessary, but the chief difficulty, I apprehend, will arise on the subject of restoration of property, which the farmers are either desirous to evade or unwilling to enforce. One subtle contrivance, devised I believe by Boshof, to avoid restoring the remaining balance of the £510, will be referred to hereafter.

I do assure your Excellency most sincerely that I have no excited feelings to divest myself of respecting the Boers; and I mention this because I am aware Colonel Cloete considered me prejudiced against this people. I certainly entertained opinions not in unison with his own; but two persons may come to very different conclusions on the same subject without either being justly chargeable with prejudice. I have had too long an experience of mankind to be easily accessible to such a feeling, which generally arises in a mind that has neither had the advantage of time nor travel to aid its expansion; besides, I am too old a soldier to be silly enough to hate those who have been opposed to me.

The proclamation does not appear, so far as I can judge, to have caused much excitement. The moment the "Pilot" arrived, one Morewood started off for Pietermaritzburg to give information to the parties for whose apprehension the reward is offered—at least I suppose so, for the four left Pietermaritzburg the following morning. I think it doubtful whether they will be apprehended.

I now turn to other matters.

Having stated in my long letter of the 15th of August my intention of writing to Mr. Boshof, I now send a copy of my reply (No. 1), in which I refer to a request made to me subsequently by that person, that Mr. Servaas Breda might be permitted to visit Natal to look after his cattle. A copy to my answer to Rudolf I also forward (No. 2), and I hope both these documents will meet your Excellency's approval. The latter appears to have had due effect; for although I have received no reply, neither commando nor patrol has been sent, as I have reason to believe, against the Kafirs by the farmers. The fact of their not having furnished me with a list of

the cattle stolen, induces me to believe the rumour I had before heard, that the patrol contemplated was not to recover cattle, but to intimidate the Kafirs.

On the 7th instant I received a letter from Mr. Boshof (No. 3), in reply to my query respecting the non-remittance of the balance of the £510, which corroborates the information I had already received that the farmers do not intend, if possible, to restore it. A copy of my answer I enclose (No. 4), to which I have not as yet received a reply, but fear there will be a difficulty attending the settlement of the matter in question. I trust, however, the farmers will see their own interest and comply; and perhaps the position they are at present placed in may more readily induce them to do so, for on the 12th instant I received a communication from the new secretary (Mr. Bodenstein), stating their apprehension of an attack from the chief Moroka, and requesting my interference. I briefly acknowledged the receipt of this document, the original of which I enclose (No. 5); but will write to inform the farmers that I have forwarded it to the colony, as steps can be taken more readily from thence, considering the chief Moroka's position, to induce them to remain in peace.

Mr. Boshof appears to me to be a person of infinite craft: the query at the conclusion of his letter (No. 3) seems intended to entrap me into an acknowledgment of their government, or at least to elicit the views held regarding their position. I shall be careful to act in accordance with your Excellency's instructions on this point, which reached me on the 3rd instant. The letters 1 and 2 were, therefore, written before I received it; but in neither, I trust, have I committed myself on that subject. When obliged to write to their official people, I simply address them by their names, avoiding all reference to the situations they hold.

The Boers have been very quiet since the date of my last letter, but have not restored any further property, either public or private. I await, therefore, with much anxiety the light Colonel Cloete may throw upon Mr. Boshof's statement respecting certain modifications of the treaty entered into with the farmers; as at present I am embarrassed how to act, and know not whether to demand its literal fulfilment, or to admit the subsequent changes (if such there were) as an authentic part of the original agreement.

In the event of the latter being the plan adopted, it appears to me necessary I should be provided with an authority to that effect, to exonerate me for not having carried out the provisions of the treaty as published.



I have mentioned elsewhere the little regard to veracity shown by the Boers, and will now state a circumstance corroborative of that opinion. When the party with Colonel Cloete were at Pietermaritzburg, the Boers positively affirmed that only five of their people were killed during the insurrection. Shortly after Major D'Urban's departure, a paper was picked up at the Congella, in a hut used by Pretorius as his office, in the handwriting of the younger Breda, a copy of which I enclose (No. 6). There is no date, unfortunately, but it appears to refer to one particular occasion; and as the names are given, and are not the same as those admitted to have fallen by the Boers, it only proves the utter falsehood of their assertion. Day after day are admissions made, by those who reside here, throwing light upon much that has hitherto been scrupulously hidden; and I make no doubt I shall be able to obtain at last a tolerably accurate statement of the actual loss sustained by the farmers, when it will appear by no means so small as they think fit to represent it.

I can assure your Excellency my situation here is no sinecure; for the numerous appeals made to me by the farmers, Kafirs, and others, on all possible subjects, keep me in incessant employment.

I have the honour, &c.,

(Signed) J. C. SMITH, Captain, 27th Regt.,  
Commandant.

J. BOSHOF, LANDDROST, TO CAPTAIN J. C. SMITH.

Pietermaritzburg, 2nd September, 1842.

SIR,—I have to acknowledge the receipt of your letter of the 19th ultimo, and, in reply to that part in which you express surprise at the balance of the £510 not being yet remitted, I beg to state that the balance which appears on the list rendered by Mr. Burger, and which has been placed in my hands, amounting to £153 11s., has been duly paid over by me to the parties concerned, and for which I hold their receipts; there is, however, an item in the above-mentioned list of Rds. 3,333-3-4, entrusted to Mr. J. M. Potgieter for the purpose of purchasing gunpowder, a considerable part of which has been, as I am told, returned by him, and which the Raad was about to refund, when Mr. Jos. Hansmeyer made an application to retain of that money the sum of £150, being the amount forfeited by him

as security for Mr. G. Cato, in consequence of his non-appearance on a late occasion; to this request the Raad has acceded for the present; and this circumstance has caused the delay in the restitution of this part of the balance.

I avail myself of this opportunity to request that you will be kind enough to inform me whether persons residing at Natal can be sued there before any civil court of justice for debts contracted by them? or, if not, whether you will allow summonses to be served on them for their appearance here?—I have the honour, &c.,

(Signed) J. BOSHOFF, Landdrost.

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#### CAPTAIN J. C. SMITH TO MR. J. BOSHOFF.

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Port Natal, 8th September, 1842.

SIR,—I have to acknowledge the receipt of your communication of the 2nd instant, explaining why the balance due on the £510 has not hitherto been remitted; and, in reply, I have to acquaint you that I cannot recognise any right the emigrant farmers possess of withholding, by a subsequent arrangement, that which they had bound themselves by the terms of their treaty with Colonel Cloete to restore; and I therefore request that the balance in question may be remitted to this place as early as possible.

With regard to persons being sued at Natal before a civil court, I am not prepared at this moment to reply; but, under the present circumstances, cannot permit summonses to be served on parties resident here demanding their appearance at Pietermaritzburg. Such matters, therefore, had better remain in abeyance until the decision of the Home Government be made known.

I have the honour, &c.

(Signed) J. C. SMITH, Captain, 27th Regt.,  
Commandant.

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#### J. BODENSTEIN TO CAPTAIN J. C. SMITH.

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Pietermaritzburg, 10th September, 1842.

SIR,—We have deemed it expedient—the more so as we have learned that there is at present a ship in the bay of Natal with which you could send this communication, if you thought proper, to His

Excellency the Governor of the Cape—to acquaint you that we received yesterday a report from the Landdrost Vermeulen, intimating that the emigrants who are at the Modder River, and in the vicinity of Caledon (being a good distance from our borders, towards the colonial territory), had made an application to him, Vermeulen, for assistance, in men, in order to make an inquiry with respect to a certain combination of the natives in that neighbourhood to make a general attack on the whites, with whom they have hitherto lived in peace and friendship, attributing this combination to the instigation of the missionaries in those quarters, as they have ascertained from certain letters which they have intercepted, and of which they have sent extracts, translated into Dutch, to Vermeulen, of which extracts we herewith send copies.

The day appointed for their meeting is the 30th of the past month. We do not believe that Vermeulen would, without leave from hence, have given the required assistance, unless the combination which appears to have been brought about amongst the barbarians to destroy the whites had commenced to be active, whereby our own border inhabitants might be brought into danger, or whereby duty and philanthropy would have demanded from them to assist their brethren (although beyond our territory), in order to prevent the fearful consequences of unpardonable murder, without respect to sexes or years, and of plunder by barbarous people; which we believe will be unavoidable unless the missionaries shall be able so to guide and curb the propensities and inclinations of the natives, that they will not proceed to these excesses.

We cherish a hope as yet that the accounts of the re-establishment of peace here will have induced the missionaries to cause the threatened attack to be deferred. But we fear that the discovery thereof by the emigrants at Modder River and Caledon will embitter them in such a manner against the ministers of the word of peace, that they may possibly precipitately proceed to steps which they themselves will ultimately regret. It is, therefore, that we think a timely interference on the part of Government is necessary, by sending a competent person thither, in order to inquire into the matter, to prevent the chiefs who contemplate the threatened attacks from so doing, and to assure the emigrants thereof; so that the good understanding between them and those chiefs be restored; and if any difference should exist between them, that difference may possibly be removed.

We believe that the suspicion against the missionaries there



must now be very strong amongst the emigrants, that they have outwardly shown themselves very friendly towards them, by which means many of the emigrants have from time to time resorted thither to hear their preaching, and they themselves have come amongst the emigrants to perform divine service, whereas they were secretly their enemies and plotting their destruction. We will be much gratified if the contrary should appear on enquiry, and the character of those gentlemen be re-established.

We have requested the Landdrost Vermeulen to proceed to Moroka to enquire into the circumstances, and to dissuade that chief from his intention, and to endeavour to re-establish the friendly intercourse between him and the emigrants, as also to bring about that no harm be done to the missionaries.

We further beg leave to complain about the unfounded accounts which we perceive in the public newspapers, namely, that scarcely had the treaty with Colonel Cloete been closed, when the farmers commenced to attack the Zulus, and to destroy them, sparing neither women nor children. We presume that such evil reports to the colony are made from hence by persons with a view to promote their own interests, and must likewise be very annoying and injurious to the Government in carrying into effect those judicious measures adopted for the restoration of good order and establishing confidence among the emigrants. Such false reports deceive the Government and the world, and frequently cause injurious consequences; and we hope that His Excellency will be inclined to discover those reporters, and cause them to be brought to account.

We will not deny that individual cases may have taken place, under circumstances which we equally deplore with all philanthropists; but let the truth be mentioned, and we doubt but it will appear that, as a government and as a community, and under all contacts wherein we have been with the surrounding rapacious barbarians, we have always acted with the greatest forbearance, and been able to prevent those Kafirs who dwell about and among us from robbery and depredations during more than four years, and thus almost without the necessity of having recourse to harsh measures, because they respected us, and knew that those deeds would not be left unpunished. Finally, we have also to acquaint you that we have received information from Mr. P. Greyling, from above Umkomas, that the Kafirs have taken away his oxen and horses and drove them to Umlobo. Greyling applies for assistance, and the commandant, Rudolf, asks us what to do, as he cannot venture into

that part without a strong escort; and if we grant an escort, we are in danger of again causing an irruption. However, the inhabitants think themselves entitled to protection; and if that is refused them, we fear they will have to help themselves. We believe that if the Zulus are not effectually stopped in their depredations, it will soon become impossible for any farmer or cattle-breeder to remain in this country, unless strong military posts are established throughout the country. We will be glad to learn from you how we are to act in cases of this nature, without anew causing disagreeableness, and still giving protection to the inhabitants? Copy of the letter of Greyling is annexed.—I have the honour, &c.,

(Signed) J. BODENSTEIN.

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MR. GREYLING TO MR. RUDOLPH.

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Umkomas, 8th September, 1842.

SIR,—I have to report to you that on the 5th instant the Kafirs took away the last horse I had, as also my last ox; likewise of S. Maritz. The trace goes towards Lovo, but there it is amongst the traces of the Kafir cattle, so that it is impossible to trace it further. I pray you to assist me in this matter. I must perish from poverty, with wife and children, if I get no succour, as it is known to you that I received no indemnification for the first loss I suffered, and now I have again such a large loss.—I remain, &c.,

(Signed) P. J. GREYLING.

To Mr. G. RUDOLPH, Commandant.

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THE COMMANDANT AND COUNCIL TO MR. VERMEULEN.

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Koraandes Spruit, 18th August, 1842.

SIR.—We, the Commandant and Council, cannot refrain from communicating to you a few points which have been handed to us this day by Mr. A. Smit, who caught a Hottentot with report of nine letters; the letters are written by the minister, J. Allison, to the minister or missionary, Giddy, both residing with Moroka, but Giddy is at present at Colesberg, to wit:

No. 1. "In answer to your question whether Moroka now entertains the same feelings about the Government, you may safely say

yes, but the fear for the farmer has certainly had a contrary effect on him. As far as I can judge, all the people of our station are for the Government, and I believe in that respect there is only one feeling among all the nations from Great River to Drakensberg."

No. 2. "Fourteen or fifteen days after you left us, L. Bester was at Moroka's to enquire as to the truth of Moroka having had a conference with Masoes. Moroka sent for me by an express to answer to the enquiry and questions."

No. 3. "On Friday Mocke sent a messenger to Moroka to call him to be with him on the 2nd. I would not dissuade Moroka from going, so as not to make him afraid, because I thought he would then not be able to accomplish his object."

No. 4. "Shortly after you departed from here, Mocke proceeded to Natal with fifty men. This was a trying time for Moroka to maintain himself: I almost did not know what to do; but, after due consideration, I advised him as yet for the first to keep quiet, and to show no alteration in his conduct towards the farmers. I was obliged to adopt these measures, because an injudicious measure might bring us into serious difficulties with the farmers; for, if the farmers should continue to conquer, their rebellious acts might not be stopped, possibly not even to Cape Town. You know that our plan was just favourable for Moroka, and other circumstances have awakened the courage of Moroka."

No. 5. "Moroka is now two days with Mocke; I expect his return, and shall be glad to let you know, through him, the feelings of the farmers."

No. 6. "Moroka has just this day come home from Mocke. The farmers are now quite tame; they have received and treated Moroka very kindly and friendly, and acknowledge that this country belongs to Moroka, and promised to live in friendship with him. Moroka behaved himself very well, and betrayed nothing."

No. 7. "I have advised Moroka to send you the within letters, as you go to town; but if you do not go to town yourself, I hope you will write to Government in his name. Moroka is very steadfast in his treaty with Government; he says, 'Where could I make better booty?'"

No. 8. "Mocke and J. L. Greyling have come back to Modder River, and they are very cautious. I think that they are afraid for a general attack of all the natives on them. They say that Pretorius has concluded a peace for six months: that will do no harm to our cause."

A second letter, No. 2, states: "The farmers have come home to Modder River, and it appears that they have had enough, for the



present, of the war, and they expect assistance from the King of Holland; but I fear they will get enough to do with the Matabela."

In the fourth letter, No. 3, it says: "You will oblige me very much to communicate to His Excellency the Lieutenant-Governor, in my name, that I always expected to receive letters about the war at Natal. Please also to mention to His Excellency that I fulfilled all the conditions of the treaty into which I entered with Dr. A. Smith, who was authorised thereto by Government. I therefore expect that the English Government will consider me as their most faithful ally, and I shall by my conduct always show that I am worthy of it.—(Signed) J. ALLISON, in the name of Moroka."

### RETURN OF SOME BOER CASUALTIES.

[NOTE.—Mr. Archbell was good enough to copy this from the original paper, which was in Dutch, except that portion relating to Fredk. Stockford, which is, as it appears in the copy, written in English. Fredk. Stockford must, I apprehend, be a deserter. The word "assagai" is, I imagine, put for bayonet, and the memorandum refers, I should therefore think, to the sortie on the 18th June.—(Signed) J. C. SMITH.]

MEMO. found among the cash and papers of Pretorius, the rebel leader, after the defeat at the Point:—

Johannes Roedolf, dood (dead).

Fredk. Kayser, zijn arm af (his arm shot off).

Petrus Zwaart, kogelschot door de borst—gevaarlijk (a bullet wound through the breast—dangerous).

Fredk. Stockford, gunshot across wrist and in the face.

Marthinus Barnard, kogelschot boven de hak (a bullet wound above the heel).

Willem Botha, assagay door de borst (an assagai through the chest).

Hendrik Pienaar, kogelschot door de borst (a bullet through the chest).

#### DOOD (DEAD).

Adam Boshof, Jan Barnard, Jan Meyer, Hermanus Wessel, Andries van Zyl.

[The above is in the handwriting of Breda, jun.—(Sgd.) J. ARCHBELL.]

LIEUT.-COL. CLOETE TO THE HON. J. MOORE CRAIG,  
SECRETARY TO GOVERNMENT.

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Castle, Cape Town, 16th September, 1842.

SIR,—I have the honour to acknowledge the receipt of your letter of yesterday's date, with its several enclosures from Captain Smith, which I return herewith, with such remarks as His Excellency the Governor requires in explanation of the various points referred to.

2. It was very natural to anticipate that some difficulties should arise in the final settlement of the arrangements I had made for the pacification of Natal, and it is some satisfaction to me to find, after the clamour that has been raised, and the disposition manifested to question those arrangements, that the questions resolve themselves, not to the question of principle which governed them, but to the minor points of detail adverted to in Captain Smith's letter, upon which I hope to have no difficulty in satisfying His Excellency, and which are not of a nature to occasion any embarrassment to the officer commanding at Natal.

3. The first of these has reference to Mr. Boshof's letter, in which he gives as a reason for not having sent back the two guns still remaining at Pietermaritzburg on the 8th August, that on his pointing them out to me as useless guns to us, and asking to be allowed to keep them for the protection of the town against the Zulus, "I did not seem to press their being given up." Now, however worthless the guns were, and little deserving the trouble and expense of moving them some seventy miles, being miserable iron ship pieces, either without carriages or honeycombed, and such as we should not allow our gunners to fire, yet I made it a point that they should in the first instance be given up, as they also were; and had Lieutenant Maclean had another wagon, he would have brought them away at once: though I told Mr. Boshof it would be an after consideration whether we allowed them to have any guns for their protection against the Zulus; and when I left Natal I made no sort of doubt that these guns would follow our own 18-pounders, our two 6-pounders, and the other two serviceable iron guns said to have been taken from the "Mazeppa," and which we had found at Pietermaritzburg, and which had all been duly sent up before my departure. But Mr. Boshof also distinctly states to Captain Smith that if he insists upon having them, there did not, nor does there, exist on their part any intention not to comply with his demand.

4. The next point is that of the bullocks to be returned. There was no number specified. Pretorius, on the day of the arrangement being concluded, stated that he had collected, I think, 480, and promising to recover as many more as could be found, and send them down to us; nor could the exact number remaining deficient be ascertained when I left. But all in possession were to be returned.

5. Respecting the imperfect return of public and private property, I am at a loss to understand Captain Smith's observation, that "this article was frittered down by subsequent concessions," which I do not admit, for there has been no concession on my part, at least in that respect; and there was a great deal more of public and private property restored, as Captain Smith was well aware of, than anyone anticipated, before the list of articles in their possession was handed to me at Pietermaritzburg; and if subsequent spoliation took place, it is explained by the store being broken into, and the relinquishment by Mr. Pretorius of his office as commandant, he being the man most to be depended on to arrest the confusion and anarchy arising from such an order of things as that which must exist at Pietermaritzburg so long as a stronger and more permanent magistracy is not established. My having also especially taken from them and retained in our own hands the power to levy the custom dues, their principal if not only source of revenue, we possessed ourselves of the best possible means of taxing the body of the people for any culpable deficiencies, without disturbing the pacification which it was so desirable to fix at the time, and which has continued unbroken; and with such effectual means placed at our disposal, I cordially admit that I never contemplated weighing the settlement of so important, if not vital, question to the colony, and of such immediate consequence to Her Majesty's service, by considerations as to some trifling stores or some heads of cattle more or less being returned.

I have the honour, &c.,

(Signed) A. J. CLOETE, Lieut.-Colonel,  
Dep.-Qr.-Mr.-General.

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CAPTAIN J. C. SMITH TO SIR G. T. NAPIER, K.C.B.

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Port Natal, 18th September, 1842.

SIR,—By the arrival of the "Lily," on 16th instant, I had the honour to receive your Excellency's communication, and immediately ordered the "Pilot" to be got ready for taking on board the detachment, 25th Regiment. To-day they embark, and, as the wind is fair,



will sail this afternoon. I do not think there is any reason to anticipate danger from this step, the remaining force with our present defences being sufficient to protect this place from any attack—which, however, I see no cause to anticipate. In the event of a forward movement being found necessary, it would perhaps be too small.

The exaggerated reports to which your Excellency alludes are indeed most ridiculous and unfounded. My letter, with its enclosures accompanying this, will prove that the farmers have not shown the slightest disposition to make any hostile movements either against the troops or the native tribes; for my letter respecting commandoes has been attended to, and none have since its date gone out. The report regarding Panda is wholly false; for I have this moment received a message from him, in which he makes no mention of the farmers whatever. I had previously received a message from the same Chief, claiming the protection of the British Government, on the ground that his brother, Chaka, had sent an ambassador to Lord Somerset, and had been told, in reply, that he would be taken under its protection; and, therefore, he (Umpanda) wished me to make the same request for him from the Government. I told the messenger to inform him that I would do so; and, in reply to some statement and questions from him respecting the farmers, I sent him word, "On no account to molest them in any way whatsoever; and in the event of their troubling him, not to make reprisals, but to acquaint me with the nature of their aggressions, for that they (the farmers) had now submitted, and as British subjects would be protected as long as they did not molest others."

Some other particulars respecting his message it is not necessary to detail to your Excellency.

This morning I received a letter from Rudolf, with a long list of cattle stolen by the Kafirs. I fear this will become an embarrassing question; for it is impossible to ascertain whether the Boers confine themselves to recent thefts or to those of long standing. Their utter want of veracity is a sad stumbling-block in the settlement of any matter, and in none more so than in their dealings with the Kafirs. These latter appear to me the most docile people possible; but few will serve the Boers as servants, their treatment of them has been so harsh: of this I have frequent proofs in the references made to me.

In my next letter it will be necessary I should make you acquainted with some of them.

I have to thank your Excellency for the newspapers, which were indeed a treat, as those we receive overland are usually very ancient. The colonial ones are quite rabid of late; but I have never known them otherwise in any colony.—I have, &c.,

(Signed) J. C. SMITH, Captain, 27th Regt.,  
Commandant.

### LORD STANLEY TO SIR GEORGE NAPIER.

Downing-street, 21st September, 1842.

Major-General Sir GEORGE NAPIER, &c., &c.

SIR,—In my despatch No. 139, of 25th ultimo, I stated that I could have no doubt but that the Dutch Government would at once repudiate the idea of their having given the slightest authority for the proceedings of the “Brazilia.” I now transmit to you a copy of a despatch which has been received from Her Majesty’s Minister at the Hague, and by which you will perceive that the Netherlands Government strongly disapprove the conduct of the person who commanded the “Brazilia.”—I have, &c.,

(Signed) STANLEY.

### DESPATCH FROM HER MAJESTY’S MINISTER AT THE HAGUE.

The Hague, September 15, 1842.

The Earl of Aberdeen.

MY LORD,—I this morning called upon M. de Kattendyke, and read to His Excellency your Lordship’s despatch No. 18.

Baron Kattendyke, in reply, stated that your Lordship was perfectly justified in supposing that such conduct on the part of Capt. Sprygs is strongly disapproved on the part of the Netherlands Government, and that it would be ready to call him, and those who employed him, to a severe account.

I have presented a Note, which is a mere transcript of your Lordship’s despatch.—I have, &c.,

(Signed) E. C. DISBROWE.

## LORD STANLEY TO SIR GEORGE NAPIER.

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Downing-street, 12th October, 1842.

Major-General Sir G. NAPIER, K.C.B., &amp;c., &amp;c.

SIR,—I have the honour to acknowledge the receipt of your several despatches, of the numbers and dates specified in the margin, informing me of the proceedings which had taken place at Port Natal up to the 10th July, and stating to me, confidentially, the grounds on which you had felt yourself justified in refraining from acting on the instructions contained in my despatch of 10th April. I have to state to you that, looking at the altered circumstances of the case since the period at which that despatch was written, and to the serious nature of the events which have since occurred, I consider you to be fully justified in having taken upon yourself that responsibility; and you will have observed that, while my subsequent despatches of 6th May and 25th August have informed you that the general views of Her Majesty's Government remained unaltered, you were authorised to exercise a large discretion as to the mode and time of putting them into execution, and that the first and paramount object must be to reassert and restore Her Majesty's authority, especially after the unfortunate reverse sustained by the troops under Captain Smith.

Your late despatches contain the gratifying intelligence that that officer, with his small body of men, under great difficulties and privations, and pressed by a very considerable force, had been enabled to maintain his post with a gallantry and determination which reflect great credit upon himself and those under his command; and it affords me very great pleasure to inform you that Her Majesty has been pleased to confer upon him the brevet-rank of Major, in token of her gracious approval of his spirited conduct.

I have also communicated to the Lords of the Admiralty your sense, in which I entirely concur with you, of the valuable and important services rendered by Her Majesty's Navy in covering the debarkation of Lieutenant-Colonel Cloete's force, and in the subsequent operations; and I have to convey to you my approval of the general conduct of that officer, and of the measures taken by him for the protection and security of the troops under his command. I shall await with some anxiety the further reports of Lieutenant-Colonel Cloete's proceedings; and for the present I will only express a hope that, in any arrangement which he may have entered into, he



will have taken care not to fetter the Queen's Government by engagements which might interfere with their ultimate decision as to the policy to be pursued with regard to Port Natal. For the present, I have to convey to you my approval of the provisional measure which you have adopted, and to authorise you to suspend acting on my former instructions until you shall hear from me again. I will lose no time in bringing the views and arguments suggested in your despatch of 25th July, marked confidential, before my colleagues, and the whole subject shall again receive the consideration to which its great difficulty and importance entitle it.

With a view to relieve you from temporary embarrassment, instructions will be given to the reserve battalion of the 12th Foot, now under orders to relieve the 87th at the Mauritius, to call at the Cape for orders, and should you think it necessary, you are authorised to detain them, or, sending them on, to require that the 87th, instead of returning direct to England, shall for a limited time be added to the strength of your garrison. You will not, however, avail yourself of this permission unless you conceive it to be absolutely necessary.—I have, &c.,

(Signed) STANLEY.

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#### CAPTAIN SMITH TO SIR GEORGE NAPIER.

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Port Natal, 14th October, 1842.

SIR,—By the arrival of the "Fawn," on the 11th instant, I had the honour to receive your Excellency's communication of 22nd of last month, with its various enclosures, and feel gratified that the measures I thought it expedient to pursue have been such as to meet your approval. The additional instructions your Excellency has been pleased to transmit meet the different points on which I experienced the most difficulty, in such a manner as to relieve me considerably from the embarrassment I felt, and I now see my way more clearly than heretofore. But not having yet received from Mr. Boshof the decision of the farmers on the subject of the money which I required to be restored, I shall take no further steps until that question be answered, as their refusal or accession to my demand will enable me to form a better judgment as regards the honesty of their intentions in other respects. In the meantime I proceed to detail, for your Excellency's information, certain matters connected with the proceedings of the farmers with which I have been made acquainted.

On the 7th instant, Mr. McCabe, a person residing at Pietermaritzburg, in the employment of Mr. Cato, to whom I had entrusted certain copies of the proclamation and warrant of apprehension, for the purpose of having them put up at that place, informed me that he had not been able to do so, as his friends there urged that it might endanger his life, the feeling against the English running so high. He, however, circulated them among the better disposed of the farmers, and had copies forwarded over the Draakberg, and stated to me that the purport of both documents was widely known. Prinslo and the two Bredas are residing at a farm belonging to the former, on the Tugela, a considerable distance inland; and Burger, who did not leave Pietermaritzburg until the 30th of September, is also at his farm, not far distant from that place. A Frenchman of the name of Coqui purchased the house and grounds of Burger at Pietermaritzburg for 1,500 rixdollars,—a sale, of course, not valid under the peculiar circumstances of the case. The Raad, it appears, finding they could not get a sufficient number to form a Council, were obliged to re-elect the old members; and when Mr. McCabe left Pietermaritzburg, their sitting had not concluded. Report stated that the farmers on the other side of the Draakberg were indignant at their brethren having concluded a treaty, and intended to draw up a protest declarative of their not being British subjects. It was further said that a commando under a Boer named Mocke, amounting to 300 men, was preparing to go against Moroka: a rumour doubtless without foundation.

In addition to this information, Mr. McCabe detailed to me the particulars of a threatened assault on himself by one Snyman, which was prevented by Mr. Ohrtman. He appeared to think that this person intended his destruction, but as it was not ascertained that he had arms about him, and it was evident he was drunk at the time, I think it very probable that the affair was no more than an idle threat resulting from intoxication. Snyman is a vile character, and was the person who fired into the prison at Pietermaritzburg when the English civilians were confined there. I have thought it right to detail my impression of the matter, as it is not unlikely, from the silly excitement prevailing in the little community here, that an exaggerated account will find its way to the newspapers. I have also kept a memorandum of Mr. McCabe's statement on the subject.

Mr. Combrink, the person to whom allusion is made in my letter of the 30th of last month (wherein the name is erroneously given),

came to Natal a few days ago ; and Mr. Cowie furnished me with the particulars of a conversation which took place between them, relative to the instructions he had received from Boshof on the subject of measuring the lands. The latter was too guarded to give him other than verbal instructions, but these on some points are singular enough. For example, should any persons refuse to take out and pay for titles to their lands, the lands in that case are to be measured and given to another. Again, Mr. Combrink was cautioned by Boshof not to meddle with anything within the British line ; and in reply to a question as to whether they imagined that the English had no power or authority beyond it, he observed : " Certainly they have not. Boshof says that Captain Smith has nothing to do with our affairs, and I think so, too." So that it appears they have an idea that because a boundary was assigned wherein they were to hold no jurisdiction, they were left, as regarded the remainder of the land, in the situation of an independent people. I think it a matter of much regret that any line of demarcation was drawn whatever, as it gives them a plea of thus inferring their independence beyond it, and affords a plausible foundation whereon to build their undue pretensions.

I will now turn to a matter of more importance than a mere conversation.

This morning, Mr. Cowie brought me Combrink's own title to his lands, for which he had paid to Boshof the sum of five rixdollars ; and this document I caused him to copy in my presence, and had him sworn as to the accuracy of the transcript. I enclose this for your Excellency's information, and will now proceed to make a few remarks respecting it.

These " titles " are printed, with the exception of that portion interlined in the copy, and although issued but a few days ago, are dated the 1st April, 1842—a period, be it observed, before the troops had reached Natal. As if to make the falsification more apparent, they are signed by Bodenstein as secretary to the Raad, who has only held that situation for a short time, Burger having been secretary at the period of the date affixed. The language in which the document is couched is sufficiently indicative of its treasonable tendency ; and when it is considered that two of the persons who signed it (Bodenstein and Bruwer) also signed the treaty concluded with Colonel Cloete, it shows but too manifestly that no dependence whatever can be placed on people so utterly devoid of principle and honour.



I await, as I before stated to your Excellency, the result of my demand for the money not yet remitted by the farmers, and when that is made known, will consider what steps it becomes me to take under the peculiar circumstances in which I am placed.—I have, &c.,

(Signed) J. C. SMITH, Captain, 27th Regt.,  
Commandant.

P.S.—October 15. Two documents have just been placed in my hands, the originals of which I think right to enclose, being deeds of sale and transfer of certain property from J. A. Vogel to T. McCabe. The printed authority is dated in May last, but the act of transfer, which is in the handwriting of Boshof, bears date the 13th August. I have given Mr. McCabe a receipt for the papers; but at the same time expressed my surprise he should be indiscreet enough to enter into such transactions at the present period. He was charged by Boshof eleven rixdollars on these documents :—

2 per cent. on 300 rds., the price paid	...	...	6 Rds.
For the act of transfer	...	...	5
			<hr/> 11 Rds.

#### FREEHOLD TITLE DEED.

The Worshipful the Council of the People, as the Supreme Authority and Government of the Republic of the Dutch South African Emigrants in the Country of Natal, and adjacent Territories, as far as the limits thereof have already been or may hereafter be determined, hereby declare, in their aforesaid capacity, and in the name of the said Republic, to have granted and ceded, in full and free property, unto Jan Abraham Vogel, senr., or his heirs or assigns, for ever, certain place or piece of ground, with everything thereunto attached, called "Vogel Valley," situate at the Riet Spruit, running into the Zeekoe Valley, on the other side of Umwotie Rivier, in extent about 2,000 morgen, in the District of Port Natal, extending north-east to the corner beacon of Gert Raath, about 40 minutes north-west to the line of Coenraad Vermaak, C. son; 60 minutes south-west to the corners of Jan Meyer and C. Vermaak; about 40 minutes south-east, Gert Landman and Cor. Laas, along the line of Jan Meyer to the first corner beacon 60 minutes,—all which is more fully set forth in the Report of the Commissioners of Lands (Land Board) of the 1st February, 1842, page 17, No. 48, condition that as also that the present or future proprietor of the said place or piece of land shall have the right, in the course of time, to

cause the same to be surveyed by a competent and approved land surveyor, and the diagram thereof, if lawfully approved, to annex hereunto; and further, under the conditions and obligation, that the proprietor or proprietors of the said land, now or hereafter, shall be and remain subject and bound to the provisions of a certain law enacted by our Council, entitled "a Law for determining the Right of Burghership and Possession of Lands or Fixed Property in the Republic of Natal," and passed at a meeting held on the 14th April, 1841.

Thus done and granted, at Pietermaritzburg, in the Republic of Natal, on the 10th day of the month of May, in the year of our Lord 1842.

By special order of the Council of the People aforesaid,  
as per Record of 12th October, 1841.

(Signed) J. H. BRUWER, } Commissioner Members  
H. H. LOMBAARD, } of the Council.

(Signed) J. J. BURGER, Secretary.

#### DEED OF TRANSFER.

No. 77.

On this the 15th day of the month of August, in the year of Our Lord 1800 and Forty-two, appeared before me Jacobus Boshof, Landdrost of the District Pietermaritzburg, being duly authorised thereto by the Honourable the Council of the People (Volksraad), the burgher Jan Abraham Vogel, senior, who declared that he had, on the 10th of this current month of August, truly and lawfully sold and ceded to the burgher Francis McCabe a certain place called "De Vogel Valley," situate on the other side of Umwotie, in the District Port Natal, according to the Title Deed No. 48, dated 10th May, 1842, in which the place is more fully described, and such for the sum of Rds. 300, fully paid and discharged by the said McCabe to the said Vogel, wherefore the said Jan Abraham Vogel, senior, hereby declares to transfer and convey the said place called "De Vogel Valley" to the said Francis McCabe as his lawful property, renouncing for ever all further claim or title thereto.

Thus done and transferred, at Pietermaritzburg, Natal, on the day of the month and year above stated, and subscribed in duplicate by us, the undersigned.

For giving transfer, (Signed) J. A. VOGEL.

For receiving transfer, ( „ ) F. McCABE.

In my presence :—(Signed) J. BOSHOFF, Landdrost.

## FREEHOLD TITLE DEED.

No. 29.

The Honourable the Council of the People, as the Supreme Authority and Government of the Republic of the Dutch Emigrants in the Country of Natal, and adjacent Territories, as far as the limits thereof have already or may hereafter be defined, hereby declare in their aforesaid capacity, and in the name of the said Republic, to have granted and ceded, in full and free property, unto Stephanus Lucas Combrink, or his heirs or assigns, for ever, certain place or piece of ground, with everything that is thereunto attached, called Rietfontein, situate between the two great branches of the Umtongat River, in the District of Port Natal, being agreeably to guess somewhat less than its full extent of ground, the centre point not being determined: 1st corner N.E. from the corner of Gert Nel, along the line of Crogman across the Umtonkat River to the corner of the Widow Nel about 50 minutes, thence N.W. along the line of the Widow Nel across the Umtonkat to the corner of the said Widow Nel and the line of the Widow Strydom 60 minutes; thence S.W. along the line of the Widow Strydom and the Widow J. Potgieter to the corner of Gert Nel 60 minutes, and thence S.E. along the line of Gert Nel to the first corner 50 minutes, which is more fully set forth in the Report of Commissioners of Land (Land Board), dated 1st February, 1842, page 8, No. 29, on condition that, as also (as in translation).

Thus done and granted, &c., on the 1st day of April, 1842.

(Signed) H. S. LOMBAARD, } Commissioner Members  
J. H. BRUWER, } of the Council.

(Signed) H. BODENSTEIN, Secretary.

CAPTAIN SMITH TO SIR G. T. NAPIER, K.C.B.

Port Natal, 15th October, 1842.

SIR,—In a letter of yesterday's date, I have detailed to your Excellency all that I thought material respecting the state of affairs at Natal; reserving for a separate communication certain minor points which it is desirable that your Excellency should know, as they serve to show the state of feeling of the various people residing here.

On the 4th instant, messengers arrived from Panda, and I was glad to find, from information they gave me, that no aggression had been offered by the farmers to that chief. He sent to acquaint me



that a petty chief, tributary to Sobusa, wished to leave the latter and come to him, but that he was desirous of having my opinion on the subject first. Knowing that he only wanted an excuse to attack Sobusa, I told the messengers to say that I by no means approved of his permitting it, as such an act would inevitably lead to a war between him and that chief, a surmise which the messengers admitted to be well founded. Panda, like all the family of Chaka, is bloodthirsty, and has lately put to death a petty chief and some people on the plea that they had conspired against him. Mr. Grout, the American missionary, has left his territory, apprehensive of his safety, as the chief appeared to be jealous of the influence he possessed over certain of his people.

Mr. Cowie questioned Mr. Combrink with a view to informing me on the subject of the land "titles," and the conversation which passed he has given me in writing. He was subsequently told by that individual that nearly 2,000 had been issued, which would realise almost £700. Boshof appears to be the chief mover in this business; but how the Boers can allow themselves to be gulled into parting with their money so easily seems to me wholly inexplicable. One of Boshof's remarks to Combrink is worth detailing. On the latter complaining that the Kafirs went about the country armed, Boshof told him to warn them not to do so any more, and if they persisted or offered violence, to shoot them, but not to do so within Captain Smith's line; for, observed Boshof, "during the cessation of hostilities we must be very careful that nothing on our part be done that might be taken cognisance of by the British Government. Rather let them (the English) be the first to begin, and then we may expect help from other Powers."

A person of the name of Lucas Meyer lately came overland from the colony, and has done mischief by holding out hopes that the Dutch there were disposed to assist their brethren at Natal. Strange to say, they yet believe in the possibility of their being supported by Holland; and when the "Lily" on one occasion was practising her guns in the bay, a report was rapidly spread that she had been attacked by a Dutch frigate.

With respect to Beningsfield, the trouble he chiefly gives arises from his litigation with his neighbours and ill-treatment of the natives, whom he is in the habit of employing and then refusing payment. A few days ago, I fined him to the amount of 10s. for wounding a Kafir with a pointed stick very seriously. I think the hint I gave him on your Excellency's suggestion will keep him quiet.

The force at the Point has been nearly at all times close upon 150 men—certainly, in my opinion, amply sufficient for its defence. A greater number, at present, could not well be accommodated there—and, indeed, the brackish water is a serious disadvantage; but if it is your Excellency's desire, I shall increase the strength of the detachment. An intermediate post has not yet been constructed; and the force at the camp I thought it expedient to keep at a considerable strength, as from thence all parties sent for temporary purposes are necessarily detached. I have myself resided at the camp, because it is the spot nearest to the business I have to transact. Were I at the Point, it would retard much that it is indispensable should be immediately attended to. For the purpose of overawing the farmers, it certainly appears to me the principal post, and, after an adequate force is left at the Point, ought in my opinion to be well garrisoned; for were the Boers once again to commence hostilities, the troops stationed at the latter would be comparatively useless, and could do little more, from their isolated situation, than protect the stores they have in charge.

I know not whether I mentioned to your Excellency that on the large plan of Natal sent from the Engineer's office in Cape Town, there was found in Colonel Lewis' handwriting, on the spot I had previously chosen, the following remark: "This eligible for a post."

With regard to the "titles," I have reason to believe that the forms were printed for the Boers by Dr. Adams, but at a period some time previous to the arrival of the troops.

The "Fawn" is expected to be able to cross the bar this day, and the "Lily" will then take her departure,—a circumstance I rejoice at, the outer bay being an insecure and exposed roadstead, though the holding-ground is good. About a week ago, in attempting to have a letter conveyed on shore, one of her boats was thrown on the beach and three seamen drowned.

I trust your Excellency will excuse this desultory and gossiping letter, which I have written in much haste.—I have the honour, &c.,

(Signed) J. C. SMITH, Captain, 27th Regt.,  
Commandant.

P.S.—The approaches of the Boers, I should have mentioned in a former letter, when speaking of the defence of this post, have been ascertained to extend in length (supposing the whole united) 1,020 yards, their average depth four (4) feet, and width two (2), and the points bearing on the camp were in general loopholed.—J. C. S.

## DESPATCH FROM SIR G. T. NAPIER TO LORD STANLEY.

Government House, Cape of Good Hope,  
24th October, 1842.

MY LORD,—With reference to my despatches, No. 155 of the 15th and 156 of the 23rd August last, I have now the honour to acquaint your Lordship that the detachment of the 25th Regiment which was left under the command of Captain Smith arrived here from Port Natal on the 30th ultimo, and sailed for Madras on the 21st of this month.

The enclosed copies of correspondence between myself, Lieutenant-Colonel Cloete, and Captain Smith, will inform your Lordship of the progress made in adjusting the various and complicated claims which have arisen out of the state of confusion consequent on the rebellion of the emigrant farmers; but I trust the manner in which Captain Smith has met the different questions submitted for his decision will render his position more easy than it was at first, and that everything will be arranged as satisfactorily and speedily as can reasonably be expected.

The “Fawn” sailed from Simon’s Bay on the 29th ultimo, and must therefore have reached her destination by this time, which will render the post so secure that the detachment may await with perfect safety the ultimate decision of Her Majesty’s Government in regard to the future occupation of that country.

I beg to refer your Lordship more particularly to Captain Smith’s letter of the 20th August, corroborating the account given by Lieutenant-Colonel Cloete, and transmitted in my despatch No. 150, of the 9th August last, relative to the fertility of the country in the neighbourhood of Port Natal.

I am still prosecuting my inquiries relative to the existence of coal in that country, and trust soon to be enabled to furnish your Lordship with some definite information upon this subject.—I have, &c.,

(Signed) GEORGE NAPIER.

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PUBLIC NOTICE.

A complaint having been made to me by certain of Her Majesty’s subjects residing within the territory of Natal, in which it is set forth that one Jan Meyer (acting, as he affirmed, under the authority



of J. Boshof, calling himself Landdrost of Pietermaritzburg) had tendered for their acceptance documents purporting to be the titles to their farms, for the which he demanded payment; and on their refusal threatened them with their being summoned to Pietermaritzburg, and there compelled to receive them on penalty of forfeiture of their lands:

I do hereby, acting under the immediate authority of His Excellency Sir G. T. Napier, K.C.B., Governor and Commander-in-Chief of the Cape Colony and its Dependencies, utterly prohibit the issuing of such documents, and declare the act thereof to be illegal,—the power to guarantee a right to land now held by the emigrant farmers and others of Her Majesty's subjects residing in the Natal territory now resting solely with Her Majesty's Government, or those to whom such power shall be delegated:

And I further warn all persons, whether British subjects or otherwise, who may be preparing, signing, or in any manner whatsoever circulating the aforesaid illegal documents, that by so doing they subject themselves to the heavy penalties attached to seditious and treasonable practices.

Given under my hand, at Port Natal, this 24th day of October, 1842.

(Signed) J. C. SMITH, Captain, 27th Regiment,  
Commandant of Natal and Magistrate.

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### DESPATCH FROM SIR GEORGE NAPIER

TO THE RIGHT HONOURABLE THE LORD STANLEY, SECRETARY OF STATE.

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Government House, Cape of Good Hope,  
25th October, 1842.

MY LORD,—With reference to my despatch No. 199, of yesterday's date, I have the honour to acquaint your Lordship of the arrival of Her Majesty's brig "Lily" from Port Natal, and I hasten to transmit for your information copies of Captain Smith's despatches dated 14th and 15th of the present month, and of the enclosures therein referred to.

It is difficult to conceive how these people can be induced to pay for titles to land which they are aware is held by them under such very precarious tenure; but, having been fully warned upon this point, it seems hardly necessary to take any further steps for dis-

abusing their minds upon the subject; and whatever consideration Her Majesty might, in the event of this country being annexed to the British possessions, have been induced to give to the cases of those who, prior to the rebellion, had occupied their land under a formal grant from the Volksraad, can scarcely be extended to the claims of those who, subsequent to that period, have obtained title-deeds in the manner stated by Captain Smith in his despatches.

I have, &c.,

(Signed) GEORGE NAPIER.

COMMDT. J. G. MOCKE TO MR. STEPHANUS LOMBAARD,  
PRESIDENT OF THE COUNCIL AT PIETERMARITZBURG.

[Translation.]

Modder River, 31st October, 1842.

SIR,—I have to state for your information that at the urgent desire of the community of Modder River, Caledon and Riet River, that is to say, the upper part of Riet River, to act in one bond of union: our number amounts to 703, exclusive of Oberholster's people; but Oberholster and his people also said that it is no longer possible for them to maintain a second community, and they have now all sent me a letter to consent (co-operate).

I repaired with the Council of Modder River on the 24th October, 1842, to Alleman's Drift, and requested all the members of the community to appear there.

I have great pleasure in stating to you that when I arrived at Alleman's Drift, Judge Menzies was there to frighten me; but I must say that Judge Menzies, Rawstorne, and those who were with them, were very much afraid of me when I appeared there with the people. I then told the Judge, at the desire of the community: "We have come here to-day to acquaint you at the same time that the community is embodied in one from the banks of the Great (Orange) River to the furthest extent of the residence of any emigrant, and from the stream of the Great River (apparent tautology), and that we will erect a sign in token of our unanimity and freedom (liberty) without oppressing any of the natives." I must inform you that our brethren here will die for their liberty, and never sign as British subjects. Treachery is carried on here to make the burghers sign for that purpose, by means of newspapers, which state that all is

surrendered to Government on the side of Maritzburg. The Judge himself also read to me the Ordinance that all is surrendered, and that we should only receive the laws of the Government and execute them. Whereupon the people cried out: "No, no; leave the laws as they are." I then said to the Judge: "If the Government have the land as far as 25 degrees on the other side of Natal, then the Government should proclaim their laws from Natal to Great River, but not from Great River to Natal." Upon which the minister Reid said: "Be quiet, sir; Moeke begs that the laws may come from Natal." Whereupon I said, "No, sir; be it well understood, if the Government have taken the lands so far by the sword, then must the laws come from Maritzburg to Groot River, and even then only if it should be agreeable to the community; if not, they would rather remain wandering about until their end." I must tell you that no ammunition is to be had from the colony. I have encouraged the people that they should not despair in that respect: that powder is made at Maritzburg; and in this way I have prevented their wavering.

I also told them that the burghers would go for powder to Portugal \* with horses and wagons and pack-oxen; and that Portugal was not too far to obtain it.

Our community consists of two commandants and four field-cornetcies, who have sworn to the community, before the Council of Modder River, to be true and faithful, and never to swerve from their duty. Now, sir, the people here can get nothing from the British Government as regards powder and lead, unless they sign as British subjects: then they can get it. Well, the people will come to Maritzburg to fetch it. Let it be made. If at the moment it cannot be procured from Portugal, let then the powder-makers who were lately employed in making (and, as I am informed, the powder is very good), let those persons make it for account of our government.

Sir, I think that all the arrangements of our community, as far as a burgher resides on the side of Groot River, will be settled on the 10th November, and that we shall then be all as one body; while a meeting has been convened for Oberholster and his people for the same date, in order to unite our respective territories, of which a copy is here enclosed. I must also mention that the Kafir nations will likewise give a portion of land to the burghers—but not without the Commandant, General A. W. Pretorius, shall have first come to reason with Mazus (Moshesh) about it.

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\* By Portugal, the writer means Delagoa Bay.



Mr. Pretorius is requested by the community connected with our party to come in the month of January (if the war is not commenced with the English) to make the necessary arrangements with Mazus about the ground.

If the hostilities should re-commence, give me early notice of it, for fear it should be too late. I fully rely on the Honourable Council, and that they will comply with the contents hereof as far as possible.—I have, &c., (Signed) J. G. MOCKE, Commandant.

[I hereby certify that the above (*i.e.*, the Dutch copy) is a true copy of a copy from the original.—(Signed) W. COWIE.—Port Natal, 17th January, 1843.]

### DESPATCH FROM SIR GEORGE NAPIER

TO THE RIGHT HONOURABLE THE LORD STANLEY, SECRETARY OF STATE.

Government House, Cape of Good Hope,  
11th November, 1842.

MY LORD,—I transmit for your Lordship's information the enclosed copies of two letters, with their annexures, dated the 29th and 30th September last, which I received yesterday from Captain Smith, commanding the troops at Port Natal, relative to the affairs of that country.

Approving as I entirely do of Captain Smith's proceedings on the various points submitted for his consideration and decision, I must again take an opportunity of expressing my firm conviction that there is only one mode by which an effectual check can be given to the system of slavery which, under the name of apprenticeship, prevails over a great part of the country beyond the colonial boundary wherein the emigrant farmers have located themselves, and that is by the colonization of those territories.

The field is, no doubt, an extensive one, and the difficulties which present themselves are by no means trivial. Delay will, however, increase instead of diminishing those difficulties; and the withdrawal of the troops will be attended with most disastrous consequences to the native tribes.

The present military occupation gives rise to many embarrassing questions, such as those noted in Captain Smith's letters; but the uncertainty in which the emigrant farmers are still kept as to the ultimate intentions of Her Majesty's Government, has the effect of preserving some order amongst them.

I fear, however, that the announcement of the determination of Her Majesty's Government not to overtake, by colonization and settled forms of government, those who press forward into the territories of aboriginal tribes would be attended with evil consequences both to the native tribes and to those who, although they have withdrawn from the colony, have no wish to throw off the allegiance they owe to their sovereign; and, therefore, I await with anxiety the instructions with which I shall no doubt be furnished after your Lordship has decided what measures are to be taken in consequence of the outbreak at Port Natal in the month of May last.—I have the honour, &c.,

(Signed) GEORGE NAPIER.

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CAPTAIN SMITH TO SIR GEORGE NAPIER, K.C.B.

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Port Natal, 29th September, 1842.

SIR,—On 20th instant I received a letter from Mr. Boshof, of which I have the honour to enclose a copy, wherein he states his intention of laying my demand for the restoration of Mr. Cato's money before the ensuing meeting of the "Raad," to be held on the 2nd October. My letter has been long in his possession, and I have no doubt, from the delay which has taken place, that it is not the intention of the Boers to return the balance in question, though I sincerely hope I may be wrong in my surmise. But I cannot help thinking that, when Colonel Cloete assured you "he was well assured of the fair intentions of the emigrant farmers in regard to the delivery of the property which they have bound themselves to restore," he gave them credit for more honesty than they possess; and that my opinion, founded upon what I had observed of their conduct in other matters, though less favourable, was more just.

I am thus earnest on this subject because I feel it is one likely to lead to embarrassment; and I am anxious, therefore, you should believe that if any dispute arises, it is not caused by any rashness on my part, but simply from the determination of these people to evade fulfilling the agreement they have solemnly entered into. Ever since the departure of Major D'Urban, I have pursued as conciliatory a course as I possibly could, without dishonour to the Government, and have been incessant in my endeavours to procure the restoration of their property, particularly the cattle in possession of the Kafirs.

But I feel that they are not sincere in their submission, and will

evade performing the stipulations of the treaty if they possibly can. I shall abstain, however, from resorting to the measures you point out in the event of their non-compliance, as long as I can do so with propriety, taking care to make known to them in the first instance the evil consequence which must result to themselves from the unwise course they are pursuing. \* \* \* In my last communication, I stated my intention of making known some of the references which have been made to me on the subject of the Kafirs serving the Boers; and as the chief part of Mr. Boshof's letter refers to one of these, I shall at once proceed to detail it.

On the 15th instant, a Mr. Niekerk, residing at Pietermaritzburg, came to me to complain that a boy in his service, aged about twelve years, had left him three days previous with a gun belonging to him, and was then in the employment of Mr. Benningfield. He informed me that he had applied to the Landdrost of Pietermaritzburg on the subject, who referred him to me, as he did not know what law I intended to act by. Mr. Niekerk stated that the boy was an orphan, whose parents had been killed in the affair with Dingaan, and had been in his service upwards of three years, and was regularly apprenticed to him. The boy I caused to be brought before me the following day, when he stated in answer to my questions that his father was still alive, and living with his tribe; that about three years and a half ago both himself and his father entered into service with the Boers, but to different masters: that he agreed to serve a Mr. Maritz for a cow yearly; that Mr. Maritz died shortly afterwards, when his widow married Mr. Niekerk, and thus he became in his service; that he had never been paid anything, until last Christmas, when a cow was given him, but afterwards exchanged for the gun then in his possession; and that he left Mr. Niekerk because, when he asked for payment, he always beat him. On referring to Mr. Niekerk, he said he had never heard of the boy's father being alive, that the boy was duly apprenticed to him, that he was not bound to give him any wages, but that he had fed and clothed him. I enquired how long he considered the indentures to bind the boy to serve him without payment, when he replied: "Until he was eighteen years of age."

I then told Mr. Niekerk that the matter was one which I did not feel myself competent to decide: that it appeared to me very like slavery, compelling a boy to serve so many years without remuneration, and that I should refer the matter to higher authority, but that in the meantime I did not feel myself justified in obliging the boy to



return; but that I should take care that he was within reach when the matter was decided. To this Mr. Niekerk made no reply, but went away for the purpose of bringing in a horse, which I afterwards purchased for the service of Government. Mr. Boshof's reference to the matter surprised me, for I never told Mr. Niekerk I wished to hear from that person at all on the subject; and, I doubt not, it is to elicit the view of Government respecting the matter in question, as well as to induce me to open an official correspondence with him, which I shall be careful to avoid.

Another practice which holds among the farmers is to purchase a child from its parents for a cow, and in this case they do not indenture him. In a matter which came before me, arising out of this arrangement, I asked the Boer how long he considered himself entitled to the boy's services. He seemed surprised at the question, but, after some hesitation, said: "Until he was of age;" which some chose to define at 18, others at 21 or 25 years. As in this case the boy did not apply to leave the service of his master, I merely told the latter that the arrangement was a strange one, and seemed to me too near approaching domestic servitude to meet approval, but that I should interfere no further at present than by making a reference on the subject.

One evil attending this matter is, that the services of children so purchased are hired by others from the original purchaser, who thus makes a trade of this nefarious practice. As for the system of apprenticeship, it is a mere farce, being solely contrived to hide the real state of the case from observation, as the Boers well know slavery is a word repugnant to English ears.

(Signed) J. C. SMITH, Captain, 27th Regt.,  
Commandant.

P.S.—I should have mentioned, while on the subject of Mr. Niekerk's complaint, that the boy is evidently above fifteen years of age, and speaks Dutch remarkably well. By underrating his age, they are, of course, enabled to retain his compulsory services much longer.

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[Annexure to above Letter.]

FROM MR. J. BOSHOF, LANDDROST, TO CAPTAIN SMITH.

Pietermaritzburg, 24th September, 1842.

SIR,—Isaac Abraham van Niekerk states that he has been at Port Natal lately, and finding that a young Zulu orphan, named September, now above twelve years old, who has been indentured to

him, and who deserted in August last, taking with him a gun, the property of said Niekerk, he made an application to you for the purpose of having the said apprentice returned to him, but that you refused to comply with his request until you shall have heard from me officially on the subject. I, therefore, at the request of the said Niekerk, beg to inform you that I find a Zulu orphan, named September, duly apprenticed to said Niekerk, according to the existing regulations here, as per indenture executed before the late landdrost, J. P. Zietsman, on the 16th January, 1840, until he shall be of age, and that the said Niekerk has, in consequence thereof, a legal claim to his services.

With reference to the money of Mr. Cato, I beg to say that I shall acquaint the Raad with your demand, as made in a letter to me for its remittance, at their next meeting, on 2nd October next.—  
I have &c., (Signed) J. BOSHOFF, Landdrost.

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[Enclosure.]

FROM CAPTAIN SMITH, COMMANDANT, TO SIR G. T. NAPIER, K.C.B.,  
GOVERNOR AND COMMANDER-IN-CHIEF.

Port Natal, 30th September, 1842.

SIR,—A person named Gert Combrink has, it appears, been appointed by the Raad “veldcornet” for Natal, and as such waited on a Mr. Vermaak, informing him that the Raad had fixed a particular day when the titles to the land would be given out, and that those who did not appear would forfeit their claim, when the right would be given to another. Mr. Vermaak was given to understand that these titles would have to be paid for, though he does not so express it in the original note which I enclose.

Mr. Combrink left this to-day for Pietermaritzburg for fresh instructions. During his stay, he avoided coming near the British authorities, and expressed himself on one occasion, as I have since been informed, in very improper language.

I fear this restless people will not remain quiet; but I shall await their reply to my demand respecting the balance of the £510, before I take any step in the matters under discussion.

(Signed) J. C. SMITH, Captain, 27th Regt.

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[Translation.]

Moordplaats, 29th September, 1842.

DEAR NEPHEW WILLIAM,—I have to inform you that Gert Combrink has said here that in the Council a time has been fixed when

the titles to the land would be given out, and all those that are not present will lose their places, and their right be given to another; and you must, therefore, enquire into the matter, and write to me instantly, that I may know it.

Again I present my compliments to you.—Your uncle,

(Signed) C. J. VERMAAK.

To Mr. WM. COWIE, at Port Natal.

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#### CAPTAIN SMITH TO SIR GEORGE NAPIER, K.C.B.

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Port Natal, 6th November, 1842.

SIR,—Referring to a letter I had the honour to address to your Excellency, dated the 14th of last month, wherein allusion is made to the issuing of title deeds at Pietermaritzburg to those lands now in possession of the emigrant farmers, I beg to acquaint you with the following particulars which have since transpired, together with such steps as I have thought it necessary to take in consequence.

On 17th October, complaint was made to me by Mr. Cornelius Faas, who resides on the Salt River, not far distant from Natal, that one Meyer had waited on him and some other residents of the same place, and required them to receive and pay for titles to their lands, which had been given to him by Mr. Boshof, the Landdrost of Pietermaritzburg, and, on their refusal, said he was instructed by the said Boshof to send in their names to him, when they would be summoned to that place, and compelled to receive them, otherwise their lands would be taken from them.

This Meyer was also informed by Boshof, so he stated, that the emigrant farmers were not British subjects, with the exception of a few who had taken the oath of allegiance; and that even these, if they resided beyond the bounds prescribed by Colonel Cloete, were bound to obey the order of the “Raad.” This, and much more of a similar purport, he detailed to the complainants with a view to the enforcement of his demand.

Deeming it essential that these seditious proceedings should not pass unnoticed, I had the complainants sworn to the truth of their deposition, with the intention of arresting Meyer and detaining him in custody until I received your further instructions; but fearing the proceeding might embarrass the Government, and knowing him to be a mere tool in the hands of others, I decided on adopting a different course.

On the ensuing 24th, therefore, I sent for him, and in the



presence of Captain Durnford, who is also a magistrate, pointed out the serious nature of the offence of which he had been guilty, adding that I was willing to believe that he had erred from ignorance, but that if a recurrence of such conduct on his part took place, I would immediately arrest and detain him in custody, there to await the decision of the Colonial Government on the subject. I then caused a public notice to be affixed in several conspicuous places at Natal; and a few days subsequent sent copies of this document, together with a letter on the matter it referred to, addressed to the emigrant farmers at Pietermaritzburg; entrusting these communications to a Mr. W. Pretorius, who came to Natal on business, and is himself a member of the "Raad."

I have drawn up the papers as guardedly as possible, with a view to avoiding any recognition of their institutions, and enclosed three several copies of both, in a blank envelope, to different individuals.

That some measure of this nature was absolutely necessary will, I doubt not, be conceded by your Excellency; but whether the documents are such as to suit the purpose, remains for your better judgment to determine.

The latter paragraph in the letter to the farmers I considered essential; for it is really extraordinary how many of the Boers profess to believe that the British have no supremacy beyond the bounds prescribed by the treaty,—a mischievous doctrine instilled into their minds by Boshof and some of the more crafty of the emigrants, and which is calculated to keep them still longer in their present unsettled condition.

I had prepared, and was about to forward, a demand on the farmers for the restoration of the remaining Government and other property, when I was informed by Mr. W. Pretorius that he had been requested by Bodenstein to convey to me £214, being the balance still due of Mr. Cato's money; but that, being in silver, he was afraid to take charge of it. I therefore preferred withholding the demand for a short time longer, in order to give them the merit of a voluntary restoration of the money, should such be their intention.—I have, &c., (Signed) J. C. SMITH, Captain, 27th Regt.

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[Enclosure.]

#### PUBLIC NOTICE.

A complaint having been made to me by certain of Her Majesty's subjects residing within the territory of Natal, in which it is set forth that one Jan Meyer, acting, as he affirmed, under the authority

of J. Boshof, calling himself Landdrost of Pietermaritzburg, had tendered for their acceptance documents purporting to be titles to their farms, for the which he demanded payment, and, on their refusal, threatened them with being summoned to Pietermaritzburg, and there compelled to receive them, on penalty of forfeiture of their lands:

I do hereby, acting under the immediate authority of Sir George T. Napier, K.C.B., Governor and Commander-in-Chief of the Cape Colony and its Dependencies, utterly prohibit the issuing of such documents, and declare the act therefore to be illegal; the power to guarantee a right to the land now held by the emigrant farmers and others of Her Majesty's subjects residing in the Natal territory resting solely with Her Majesty's Government, or those to whom such power shall be delegated:

And I further warn all persons, whether British subjects or otherwise, who may be concerned in preparing, signing, or in manner whatsoever circulating the aforesaid illegal documents, that by so doing they subject themselves to the heavy penalties attached to seditions and treasonable practices.

Given under my hand, at Natal, this 24th day of October, 1842.

(Signed) J. C. SMITH, Captain, 27th Regt.,  
Commandant of Natal and Magistrate.

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[Enclosure.]

TO THE EMIGRANT FARMERS AND OTHERS OCCUPYING NATAL TERRITORY.

Having learned, with mingled feeling of surprise and regret, that seditious and illegal documents, purporting to be titles to the lands now in possession of the emigrant farmers, and made out in the name of the Dutch Republic of Natal, have been recently put into circulation from Pietermaritzburg, I deem it my duty to apprise the farmers of the evil consequences which must necessarily result from a proceeding so extraordinary, and which is directly at variance with the terms of the treaty to which they have subscribed, wherein it is expressly stated that the tenure of these lands shall not be interfered with, but must be left for the final determination and settlement of Her Majesty's Government.

Fully impressed with a desire that nothing further should be done by the farmers which should put in peril their claim to the merciful consideration of the Crown, and convinced that the injudicious and illegal act to which I refer has been the work of certain

ill-disposed individuals, and is not participated by the people at large, I must distinctly apprise them that the authority to grant titles to the lands which they at present hold can only emanate from Her Majesty, and be carried into effect by those persons to whom she shall think fit to depute her authority for that purpose.

And I think it right to add, in order that no misconception may remain on the minds of the farmers regarding a matter of so much importance to their interest, that His Excellency Sir George T. Napier, K.C.B., the Governor and Commander-in-Chief of the Cape Colony, while instructing me not to disturb the emigrants in the peaceful occupation of any lands now held by them, desired me to inform them that he could neither guarantee to them the issuing of title deeds nor send a commission to make any arrangements preliminary to that end, as these questions must remain for the ultimate decision of Her Majesty's Government.

I think it right also to point out to the farmers an erroneous idea which some seditious and evil-minded persons have sought to impress on the less instructed of their brethren, viz., that the English Government held no jurisdiction beyond the bounds prescribed by the treaty for the occupation of the troops. To the well-informed it is unnecessary to point out the absurdity of the assertion thus put forth; but as it may have a mischievous tendency on weaker minds, it may be as well distinctly to state that, as the territory of Natal belongs to the Crown, Her Majesty's jurisdiction cannot possibly be limited to any particular portion, but extends to every part of the country to which she of right lays claim.

(Signed) J. C. SMITH, Captain, 27th Regt.,  
Commandant of Natal.

Port Natal, 24th October, 1842.

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[Enclosure.]

CAPTAIN SMITH, COMMANDANT, TO SIR G. T. NAPIER, K.C.B., &c.

Port Natal, 7th November, 1842.

SIR,—On the 27th October, a Mr. W. Pretorius arrived from Pietermaritzburg, and complained to me that three Bushman girls and two boys, the parents of whom had confided them to his care, had absconded from his service and taken refuge at Port Natal. On the following day I caused them to be apprehended; and in the three girls recognised females who had been previously cautioned by me to leave this place on account of their loose and irregular conduct, as



well as being the cause of my having to bring a man of the Cape Mounted Rifles before a court-martial for theft. On questioning them, I found they could assign no sufficient reason for leaving Mr. Pretorius, and therefore gave him permission to take them back with him to Pietermaritzburg. It is true Mr. Archbell had written to me to state that these were Hottentots who had been forcibly abducted from the Cape Colony, and that he was willing to retain two girls and a boy, whom he had previously taken into his service; but as he could give me no proof that his first assertion was correct, and as numbers of ill-conducted and idle Hottentots were leaving the farmers and flocking down to Natal, I thought it best to adhere to my first decision. At the present moment, it appears to me that it would be most injudicious to encourage the influx of these people (the idlest and most worthless of the semi-savage tribes), particularly when it is considered that no civil establishment exists at present to punish or repress their delinquencies.

The English residents, in order to get servants cheap, are too willing to take them into their service without inquiry, and then to plead the cause of philanthropy in excuse; but it is sometimes not difficult to sift motives from actions, particularly where self-interest is concerned.

I may possibly be wrong; but it appears to me that too minute a scrutiny at present into the relations between master and servant among the Boers is by no means judicious or desirable. When a direct proof of compulsory servitude comes before me, as in the case of Niekerk's boy, I do not scruple to declare it inadmissible; but doubtful questions, like the present, I think it advisable to leave for the future decision of civil authority.

Mr. Boshof has, I understand, resigned his situation of landdrost without assigning any specific reason, and has been succeeded by Bernard Rudolf, the brother of Gert Rudolf, the present commandant. The latter person has written to me again on the subject of their loss of cattle; and I shall give, in reply, as a reason for not using further exertions on the subject, their not having yet restored what they have taken from the Government.

On September 14th, I forwarded to you certain documents sent to me by Mr. Bodenstein, complaining of the conduct of the missionaries in instigating Moroka and his people against them. Having reason to doubt the accuracy of the transcript there given, I have obtained accurate copies of the letters from whence they were

taken, by the exertions of Mr. Mesham, an Englishman residing at Pietermaritzburg, who borrowed them from Boshof for the purpose.

The passages given by Mr. Bodenstein certainly do not correspond with those of which they profess to be a translation. But the documents are chiefly interesting from their indicating the favourable spirit of the native tribes towards the British, and the little support, therefore, the Boers could reckon upon in that quarter in the event of their again becoming rebellious.—I have the honour, &c.,

(Signed) J. C. SMITH, Captain, 27th Regt.,  
Commandant.

#### DESPATCH FROM LORD STANLEY TO SIR G. NAPIER.

Downing-street, 14th November, 1842.

Governor Major-General Sir G. NAPIER, K.C.B.

SIR,—Your despatches No. 156, of the 23rd August, and “Separate,” of the 30th of that month, have just reached me; the first submitting to my notice various details in regard to Lieutenant-Colonel Cloete’s settlement of the affairs of Port Natal, and the other despatch representing the necessity which you considered would exist, in the event of Her Majesty’s Government determining to retain military possession of that country, for your being furnished with an augmentation of military force.

For the present, I merely avail myself of the immediate departure of a vessel for the Cape of Good Hope to acquaint you, in reply, that I approve of your maintaining your present neutral position, pending the receipt of final instructions from Her Majesty’s Government.—I have the honour, &c.,

(Signed) STANLEY.

#### CAPTAIN J. C. SMITH TO SIR G. T. NAPIER.

Port Natal, 15th November, 1842.

SIR,—I received your communication of the 20th of last month, wherein reference is made to a passage contained in a late Cape Town pamphlet, of which I am desired to afford you an explanation.

The circumstances on which the writer has founded his erroneous statement were as follows:—

On the morning of the 23rd of May, when standing at some distance in front of the camp, in conversation with the Rev. Mr.

Archbell, one Stephanus Maritz and another farmer, whose name I have forgotten, came to me and stated that they had been sent by the Raad to warn me for the last time to quit Natal. My reply was that, having come there by the orders of my Sovereign, I should remain in obedience to those orders; on which they said that if such was my determination, I would be answerable for all the blood that would be shed in consequence. After some insolent menaces on their part, I warned them of the danger the farmers would incur by the rebellious conduct they were pursuing, and we separated.

I had scarcely reached the camp after this interview, when several armed horsemen rode from beneath the trees, in a direction about three-quarters of a mile somewhat to the right of our front, and, after chasing away the herds, proceeded to drive upwards of six span of our oxen towards the Congella. Ordering Capt. Lonsdale to take with him 100 men and a six-pounder for the purpose of recovering them, I directed a couple of shots from the 18-pounder to be fired in that direction, thinking it possible this might intimidate the marauders.

When the troops reached the spot, however, the cattle were already out of sight, although several armed Boers were seen posted under cover of the bush, who retired when two or three musket shots had been fired. The only time the field-piece was discharged was in front of a wagon crossing the Berea Hill, and far beyond its range. This wagon I directed to be detained as a guarantee for our cattle; but on a mounted rifleman pressing forward to stop it, he found it guarded by armed Boers, who threatened to shoot him if he did not return.

Not deeming it advisable at that moment to push the party onward through the thick jungle in their front, I withdrew it to the camp, and gave immediate orders for the remaining cattle to be collected. On the wagon-drivers and leaders, assisted by the Cape Mounted Rifles, going out for that purpose, they were fired on by the Boers—without, however, sustaining any loss.

To submit to these reiterated insults was out of the question; and it was, therefore, on the night following this day that the unsuccessful attempt to dislodge the rebels from their camp at the Congella was made. By turning to my despatch of the 24th May, you will perceive that I mention the theft of our cattle; but, having more important matters to communicate, I did not think it essential to detail the circumstances by which that act was accompanied.

In no case did our cattle become intermingled with those



belonging to the Boers, which were chiefly fed near Mr. Dunn's, and far from the plain where the camp stands, and on which ours were pastured; nor was it likely that any people were following their ordinary occupations at the spot to which the writer alludes, there being neither habitation nor cultivation belonging to white man or Kafir in that direction. One solitary house, of which Mr. Delegorgue, a French naturalist, is the owner, stands indeed in the wood, but far to the left of the place the troops were sent to that morning.

I have yet to learn who were the "peaceful foreigners" to which the veracious pamphleteer alludes, or those "emigrants who maintained their loyalty from first to last." I certainly found none such at Natal.

Mr. Archbell has obligingly furnished me with the accompanying note, relative to my intercourse with the Boers, in which he acted as interpreter.—I have the honour, &c.,

(Signed) J. C. SMITH, Captain, 27th Regt.,  
Commandant.

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[Enclosure.]

THE REV. J. ARCHBELL TO CAPTAIN SMITH.

D'Urban, Natalia, 11th November, 1842.

SIR,—Seeing in a late pamphlet on Natal, by R. H. Atkinson, Esq., a paragraph charging you with wantonly firing upon persons "who were quietly engaged in their ordinary occupations," I cannot acquit myself of a dereliction of duty were I to withhold my unqualified testimony to the "mendacious" statement of this impudent "mendacity."

It will be in your recollection that, on the morning of the hostile collision, I happened by the merest accident to be the interpreter to the last, though not least insolent, of their deputations; and the audacious and treasonable character of their communication having made almost an indentation on my mind, I am under no embarrassment in stating that it was a peremptory order to evacuate forthwith the country of Natal. This absurd order was accompanied with corresponding menaces, and some admonitions as to the consequences of obstinacy; and, finally, you were insolently told to prepare for the responsibility of rejecting this last of all the merciful offers that had been made you to save yourself, and prevent the most appalling evils.

At the very time we were in converse with the deputation, the armed rebels were entering and lining the bush within gunshot of

us, and were preparing for the execution of a recent decision to commence hostilities, by the capture of your cattle, immediately on the return of the deputation with an unsatisfactory reply, which was fully expected. Accordingly, in less than half an hour they took forcible possession of the cattle belonging to the camp, when the firing commenced.

Such had been the intense anxiety for the still-pending issue of the general movement, that all labour of every kind had been suspended for near fourteen days; and for obvious reasons there had not been any firing of any kind. On first glancing over the publication, I was under the impression that its vindictive character would be its own and best refutation; but on subsequent consideration of its being a direct communication to Lord Stanley, under a real signature, impresses it with just so much importance as precludes entire contempt. Hence I am induced to throw off my repugnance to appear in such matters, and place in your hands the statement, which you are at liberty to use as you may deem expedient.—I have, &c.,

(Signed) J. ARCHBELL.

#### CAPTAIN SMITH TO SIR GEORGE NAPIER, K.C.B.

Port Natal, 20th November, 1842.

SIR,—I have the honour to acquaint your Excellency that I have felt compelled to arrest and send to Cape Town a Mr. Isaac van Niekerk, of Pietermaritzburg, on a charge of felony, for inciting a soldier to desert. I would gladly have avoided this strong measure, could I have entertained any reasonable hope of the evil being repressed; but this tampering, following so quickly upon the desertion of a soldier, whom the Boers had assisted through Pietermaritzburg (although advised by the better disposed to detain him), left me no alternative. In fact, I have every reason to believe that there is a plan on foot to encourage desertion, and that this Mr. Niekerk is an active agent in it, as he has been given by the soldiers the significant name of the “recruiting sergeant.” He is a person of the most indifferent character—is frequently journeying to Natal without any apparent cause, and when here is usually seen in company with the soldiers—although a person whose connections are respectable. Here I have not the means of confinement; and bail—even were the offence bailable—it would be absurd to take from those

whom I could not come upon in the event of its being required. His removal at this moment, even if nothing else were to follow, will do much good.

The documents of which I sent you copies by last post have, I find, been of much use in opening the minds of the Boers to their true position as regards the Government. Not long after they had reached Pietermaritzburg, I was waited on by a Mr. Zietsman, who it is likely will be appointed landdrost, and subsequently by Bernard Rudolph, now holding that situation. The object of both parties was the same, viz., to know whether their acceptance or retention of the office would be authorised. My answer was as follows: That all matters touching the country and its civil establishments being now under the consideration of the Home Government, I could give no official sanction to such appointments; but that, being aware it was necessary they should have the means of maintaining order, I would not interfere with these arrangements, as long as nothing was done to militate against the authority of Government. With this reply they appeared quite satisfied.

By information I have received, it is stated that a German named Ripsalt, residing at Weenen, on this side of the Draakberg, but seventy miles inland from Pietermaritzburg, had drawn up a declaration protesting against the treaty entered into with Colonel Cloete by the Boers; and this document one Daniel Bezuidenhout, located on the other side of the Draakberg, was taking from place to place to obtain signatures.

Another report, not so well authenticated, states that a Boer named Mocke, from the Modder River, had gone to the Orange River with a large party, and fixed on a spot for their future republic.

On the 16th instant, £214 16s. 6d., part balance of Mr. Cato's money, was brought down. There still remains due upwards of £160. No other property has been as yet restored since the date of my former communications on the subject.

I had an interview this morning with Mr. Lindley, the American missionary, chiefly to state to me the position in which he stands as regards the Boers, with whose proceedings he appears to wish not to be identified.—I have the honour, &c.,

(Signed) J. C. SMITH, Captain, 27th Regt.,  
Commandant.



## CAPTAIN SMITH TO SIR GEORGE NAPIER, K.C.B.

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Port Natal, 21st November, 1842.

SIR,—I know not whether in any former communication I mentioned that Mr. Smellekamp, the Dutch supercargo, had circulated when here many copies of a pamphlet which was said to have caused much excitement. This pamphlet I have long sought to procure, but hitherto without success, for it was carefully concealed by the farmers; and subsequent to the treaty Burger had called in all the copies he could obtain. Through the exertions of Mr. Mesham, it has at length been placed in my hands; and that gentleman kindly favoured me with a translation, which I retain, sending the original to your Excellency.

Mr. Mesham had promised to return the pamphlet to Mr. Otto, to whom it belongs; but deeming it essential an original, and not a copy, should be placed in your hands, I told him he might tell the owner he had lent it to me; and that I had detained it.

I know not if I am right; but I think this document of much importance, for it will enable the British Government to call on the Dutch to disavow the proceedings of its subject; and a declaration from Holland, denying any participation in the matter, would do much to tranquillise the people. The work is beautifully printed:

Mr. Smellekamp also presented the Raad with a manuscript letter from a merchant's house at Amsterdam, with broad gold edging and many ribbons attached. It contained, I believe, a proposal for a mercantile establishment; for I have not seen a copy of the document.\*—I have the honour, &c.,

(Signed) J. C. SMITH, Captain, 27th Regt.,  
Commandant.

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## CAPTAIN SMITH TO SIR G. T. NAPIER, K.C.B.

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Port Natal, 5th December, 1842.

SIR,—The enclosed letter was placed in my hands this morning, and I lose no time in forwarding it, as it contains much that appears to me worthy of attention. A portion of what is therein stated must necessarily be surmise; but as Mr. Laas, the person from whom the

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\* The pamphlet referred to will be found in its order of date. See Vol. I., Sec. III., p. 667.—J.B.

information comes, is the brother-in-law of Mr. Cowie, and well affected to the Government, I have no reason to doubt the accuracy of that part which came under his own observation. The statement of the first deserter deserves little credit, he being a worthless character; but the fact of those who left this on the 23rd being well received by the farmers, will probably lead to others deserting also.

In my letter to the Deputy-Quartermaster-General, detailing the failure of the attempt to apprehend these men, I stated I had written to the landdrost, Mr. B. Rudolph. A translation of his reply to my letter I enclose, as it will show you how little disposed the farmers are to conciliate the Government. In addition to my letter to Mr. Rudolph, I addressed the farmers on the subject of the desertions, a copy of which document I also send, together with a notice which I thought it right to put up at Natal on the same subject.

That much excitement prevails among the Dutch emigrants at this moment is undoubted; and those who have been at Pietermaritzburg lately, describe the feeling as being strong against both Zietsman and B. Rudolph, on account of their having communicated with me when visiting Natal. To this excitement recent events on the Orange River have much contributed, and I fear that it will be long before the state of anarchy now existing subsides sufficiently to admit of the claims of the farmers being arranged satisfactorily. They are, without exception, the most obtuse and wrong-headed people I ever came in contact with; and their extreme ignorance leads them to be made the tools of the few among them who have any pretensions to intellect.

6th December.

This morning, Mr. P. Raath arrived from Pietermaritzburg, and states that those who had not received "titles" to their lands, are now loud in their demand for them, and say they are not British subjects, and will obey no order, except one coming from the Raad. The people he describes as very rebellious, and unwilling to listen to good advice. Rudolph and Van Rooyen had not yet returned. Matters are again thickening, I fear, in this quarter.—I have, &c.,

(Signed) J. C. SMITH, Captain, 27th Regt.

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[Enclosure No. 1.]

MR. W. COWIE TO CAPTAIN SMITH.

Port Natal, 5th November, 1842.

SIR,—Having heard that my brother-in-law had returned from Pietermaritzburg, I went to my farm at Salt River in order to see

him. He states that he, in company with G. Schalkwyk and Jacobus Ordendal (also two men from my farm), arrived at Pietermaritzburg on Saturday the 26th ultimo, and on Sunday they saw the three soldiers arrive there. They immediately went to B. Rudolph, then Landdrost, and demanded assistance to take them; but it could not, or rather would not be given them. They (the soldiers) were kindly received by the inhabitants of Pietermaritzburg, and were supplied with clothing, and victuals, and ammunition. They were brought to the house of one Kruger, a gunsmith, where one of them had a musket repaired; from thence they were taken to the house of William Pretorius (member of the Council), and received victuals, &c.; from one Tradouw (a German) they received clothes, and also from some others. The people flocked from every quarter to see them; from the house of Commandant Gert Rudolph they were shown the road out of the town by Coenraad Fick. All what I have stated my brother and the two others were eye-witnesses to. The first man who deserted is not drowned as reported, but is gone over the Draakberg. This is certain. He told the people that if they come and attack the camp while the 27th are here, they will be able to take it with ease, as a great portion of the soldiers would join them, and that they would see that what he told them was true by more following him.

The Chief-commandant Rudolph, in company with Gert R. van Rooyen (member of the Raad), and some others, have gone over the Draakberg on a secret expedition; few people at Pietermaritzburg know, or at least pretend to know, where they are.

Rudolph had received a letter from the people on the other side to come over immediately. There are, as report says, 500 men there, who are determined to begin the war again; and Rudolph and the others have gone to make arrangements with them. The two men who were in company with my brother got secretly into a house where was a large concourse of people assembled; they heard them saying that the Boers would come down and challenge them to come out of the camp to fight them, but no interference of the native tribes. This may be mere talk, but it is certain that preparations are making to commence hostilities, and it is decided upon to fall upon the peaceably disposed first, especially those at my farm, who have never taken part with them. They treat all your communications with contempt. To-day the Raad will hold a meeting. Boshof is to be made Landdrost again, if he will accept it.

Before the departure of my brother, I told you that he had



received a letter from a friend of his there, to come to Pietermaritzburg without delay, that he had something of great importance to tell him: it was that which I before mentioned. That person, J. Schalkwyk, resides there, and will remain till he sees what is to be done: he wants my brother to give him information of everything which takes place down here. I have given him directions not to interfere in communicating anything without first acquainting me.

I shall make further inquiries, and any information I may receive I shall immediately let you know.

One of the men is here who was with my brother at Pietermaritzburg.—I have the honour, &c.,

(Signed) W. COWIE.

[Enclosure No. 2.]

J. B. RUDOLPH TO CAPTAIN SMITH.

Pietermaritzburg, 24th November, 1842.

SIR,—In reply to your letter, I beg to state that I ordered the fieldcornet of this place to warn a certain number of men for the purpose of taking up some soldiers who had deserted from your camp; but I am sorry to inform you that the said fieldcornet communicated to me that the persons whom he had warned refused to do the duty.

At the same time, I beg to inform you that I have exerted myself as much as possible in complying with the treaty, but the resistance I have met with from several people compels me to resign my office as landdrost to-morrow.—I have the honour, &c.,

(Signed) J. B. RUDOLPH.

[Enclosure No. 3.]

CAPTAIN SMITH TO THE EMIGRANT FARMERS AND OTHERS OCCUPYING NATAL TERRITORY.

Port Natal, 24th November, 1842.

On the 11th instant, a soldier deserted from the camp at Natal, taking with him his arms and ammunition; and on arriving at Pietermaritzburg, instead of being apprehended, so I am given to understand, assisted to proceed from thence by Piet Joubert, senior, of that place. A demand from me that this deserter should be given up has not yet been attended to.

On the 16th instant, Mr. Isaac van Niekerk, for endeavouring to

persuade a soldier to desert, was by that soldier brought before me, and is now on his passage to Cape Town charged with the commission of felony.

I justly entertained a hope that this step would have made it manifest to the evil-disposed that an offence of so serious a nature as that of inducing a soldier to desert his colours, could not be committed with impunity, and that therefore they would abstain from its repetition. But in this I was mistaken; for last night four soldiers also deserted—one of whom, having voluntarily returned, stated in extenuation of his crime that he was induced to take that step by a farmer who attended the late sale at Natal.

These three soldiers (who have with them their arms) have been traced a considerable distance on the road to Pietermaritzburg, and I now demand that they shall be seized and detained in custody; and I call on the loyal and well-disposed to see to this. Otherwise an impression will be entertained by Government that desertion is encouraged by the emigrant farmers,—a circumstance which will have the most injurious effect on their interests.

And I further declare my intention of transmitting the names of all persons who either have given, or may in future give, any assistance whatsoever to deserters, with a view to its weighing against their claim in regard to the settlement of the land now under the consideration of the Home Government.—I have, &c.,

(Signed) J. C. SMITH, Captain, 27th Regt.,  
Commandant of Natal and J.P.

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[Enclosure No. 4.]

#### PUBLIC NOTICE.

Several attempts having been made lately by evil-disposed persons to induce Her Majesty's soldiers to desert from their duty, the following extracts from the Mutiny Act are published for general information:—

#### MUTINY ACT FOR 1842.

Under the existing law, "any person who shall maliciously and advisedly endeavour to seduce any person or persons serving in Her Majesty's forces, by sea or land, from his or their duty and allegiance to Her Majesty; or to incite or stir up any such person or persons to commit any act of mutiny, or to make or endeavour to make any mutinous assembly, or to commit any traitorous or mutinous practice whatsoever, may, on being legally convicted of such offence, be

adjudged to be transported beyond the seas for the term of the natural life of such person."

"And be it enacted that every person who shall, in any part of Her Majesty's dominions, directly or indirectly persuade any soldier to desert, shall suffer such punishment by fine or imprisonment, or both, as the court, before which the conviction may take place, shall adjudge; and every person who shall assist any deserter, knowing him to be such, in deserting or in concealing himself, shall forfeit for every such offence, the sum of twenty pounds."

Persons apprehending deserters are entitled to a reward of two guineas, in addition to 6d. per diem, their subsistence while in custody.

(Signed) J. C. SMITH, Captain, 27th Regt.,

Commandant of Natal and J.P.

Port Natal, Nov. 30, 1842.

#### CAPTAIN SMITH TO SIR GEO. T. NAPIER, K.C.B.

Port Natal, 12th December, 1842.

SIR,—In consequence of information reaching me that the recent disturbances at Weenen, and on the other side of the Drakensberg, had ended in the determination of some of the disaffected to recommence hostilities, I have thought it right to forward an express to the colony in order to put you in possession of such facts as have come to my knowledge on the subject. Enclosed are copies of two letters from Mr. Mesham, at Pietermaritzburg, to whose exertions I was indebted for the Dutch pamphlet already sent to you. These communications are almost wholly confined to the various rumours the writer had heard—based, however, upon what was passing at Weenen and beyond the Drakensberg, where many of the most turbulent of the farmers have been for some time congregated, and among them those who have been excluded from the treaty.

As stated by Mr. Mesham, Mr. Morewood arrived on the 11th, and wrote to say that he was in possession of information to the effect that the farmers were about to recommence hostilities, and would wait on me if I desired it

This person having been opposed to the English Government during the late rebellion at this place, I was aware that any com-



munication coming from him required to be received with caution, but did not think it right wholly to reject it on that account.

The substance of his information was as follows:—

That the farmers intended to attack the camp, and that if the rivers did not stop them they would be at Pietermaritzburg on Friday week, in furtherance of that object. Their force was to be commanded by Gert Rudolf and Mocke, and amounted in number to 900; and these resolutions had been adopted at the recent meeting at Weenen, where the Bredas had been most active. Mr. Morewood mentioned the arrival of Schoeman, as detailed in Mesham's letter, adding that he was told by that person that 2,000 families were trekking from the colony, that British troops had been sent to Colesberg, and that the English residents were forming themselves into volunteer corps. This Schoeman was not long from the colony, and resided, I believe, at Caledon.

Such was the amount of Mr. Morewood's information; but he appeared to feel certain that the Boers were again coming here, though he could not pronounce positively as to their object. He gave me a letter from a Mr. Coqui, which the latter desired might be shown me, containing a copy of a note from a friend of the latter residing at Weenen, strongly urging him to be careful whom he trusted with goods, for that there would be an outbreak shortly, and that he would therefore lose his money.

Others who have lately returned from Pietermaritzburg concur in stating that the farmers are preparing to move on this place, and will be here at an early period. The opinion seems general, too, that the people of that place will not join them; but, as regards this observation, it strikes me they will merely wait on events, and remain passive until the time suits to declare themselves, as many did before. I have, however, strong doubts whether they will attack this place, being inclined to believe their first object is to fall upon and plunder the Kafirs, with a view to drawing the troops from Natal. Many circumstances having rendered this opinion probable, I have thought it right to warn the different tribes to be on their guard, and if necessary to drive their cattle into the fastnesses. At Natal I have made all the necessary preparations, in the event of their attacking the place; and here I find the active co-operation of Lieutenant Nourse, of the "Fawn," of much service.

But any future warfare the Boers may make on the British will, I think, resolve itself into guerilla attacks, and in that case they may, from the nature of the country, do much mischief.

Of one thing I am perfectly satisfied, that nothing will bring this people to submit to the authority of Government until they are first made to feel that Great Britain has the power to compel obedience.—I have the honour, &c.,

(Signed) J. C. SMITH, Captain, 27th Regt.

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[Enclosure No. 1.]

L. E. MESHAM TO THE REV. J. ARCHBELL.

Pietermaritzburg, 9th December, 1842.

SIR,—You have, I have no doubt, long ere this heard many reports as to the movements of the emigrant farmers behind the Drakensbergen. I am not one of those who place confidence in every rumour that is afloat; but there are some circumstances connected with these reports which induce me to place some confidence in them.

Some of the farmers, even on this side of the mountain, entertain the foolish idea that the treaty made between the English Government and the emigrant farmers was for only six months. This notion, I am afraid, is entertained to a lamentable degree by the majority of the farmers on the other side of the mountain. A farmer by the name of Schoeman arrived here a few days ago for the ostensible purpose of seeing the country and purchasing land. Whether this was his real object the sequel will show. He reports that a man of the name of Oberholster, who was living among the Bastards, and filling the situation of a magistrate among them, was, together with two of his heemraaden, murdered by the Bastards. Another report says that he was shot by the Boers; another, that the Bastards and a party of rebellious farmers had laid a plan to attack Oberholster and some other farmers who had sworn allegiance to the British Government. This the party who were to be attacked got scent of, and marched on to meet their foes. A battle ensued: the result of which was that Oberholster and two of his party were killed, and twenty-six of the Bastards only—some say Boers also. This, I think, is the most credible account of the three.

This man Schoeman, I hear, states that this commotion among the farmers behind the Drakensbergen arose from their having heard a report from this that the Hollanders and English were at war, and that two men-of-war of the former nation had sunk one of the latter; and if they had known it to be a falsehood, they never would have

taken such a step. I also hear that this Schoeman has been trying to get a young man of the name of Van Deventer to return with him for the purpose of heading or conducting a corps of volunteers (he being a good shot) intended to attack N'Capai, and most likely, eventually, the British camp. This, however, is merely report. I write you things just as I heard them. But that the Boers intend making a commando on N'Capai, I verily believe, and perhaps on Panda; and last, though not least, on the British camp. I have formed this opinion because Gert Rudolph went to Weenen for the purpose of reaping his corn. I hear now, again, he is gone on the other side of the mountain—for what purpose I cannot say, but I think not for any good end; some, however, say he is gone to endeavour to appease the farmers. This may be the case. Then, again, Fick, who was living here, went some time in the month of October on a trading journey, with the intention of only going to Weenen, and remaining away about fourteen days. He has been gone away nearly seven weeks; and I hear also that he has crossed the mountain. Now, this man is most inveterate against the British Government, and has, unfortunately, a great deal of influence amongst the Boers. His motive for acting in this way is obvious: he being afraid to become amenable to the British laws. Another report, however, which I have just heard states that he is on his return to this place, and will be here on Sunday or Monday next.

I have already stated that I think something bad is brewing among the farmers about Weenen and the other side of the Drakenberg, yet I do not believe that there is anything to be feared from the Boers in Pietermaritzburg or its vicinity. They certainly do not think that they are British subjects; and some of them, as you are aware, speak of the British Government in a most contemptuous, not to say treasonable, manner: yet I am certain they will never go down to Natal to attack the camp.

By-the-by, I almost forgot to state that a letter was received by the Raad the other day from a man of the name of Mocke, who is living behind the mountain. He writes for gunpowder, stating that the trade in that article had been stopped, and that they must supply him—but he does not say for what. This is a fact. I hear that the eruption is to take place very shortly, probably before the expiration of the present year.

I have now written to you everything I think is requisite. I wish you, however, distinctly to understand that I cannot vouch for the truth of any of these reports; but, as I have above stated, some



circumstances have come to my knowledge which tell me that things are not altogether as they ought to be. I have headed this letter with the word "private," because I do not wish its contents to be made known in Natal to any person, with the exception of Captain Smith. I think he ought to be made acquainted with the state of things as soon as possible; you have, therefore, my free permission to show him this letter, if you think it worthy of notice. If I could have written with more certainty, I would have addressed Captain Smith at once; but I now merely write to you on reports, and they may turn out to be groundless.

Mr. Morewood leaves this place for Natal to-morrow, and I believe this same Schoeman and Van Deventer will accompany him—at least Mr. M. is doing his best to persuade Schoeman to go and see the bay; and on his arrival Mr. M. will seek an interview with Captain Smith, as he is able to give much more information than I can, and I believe he has it in black and white.—I have, &c.,

(Signed) L. E. MESHAM.

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[Enclosure No. 2.]

L. E. MESHAM TO THE REV. J. ARCHBELL.

Pietermaritzburg, 10th December, 1842.

SIR,—Since I closed my letter to you of last evening, I have heard from Mr. Morewood that he has gained further information respecting the movements of the farmers, namely, that they intend being here on Wednesday or Thursday next, for the purpose of attacking the British camp—that is to say, if the rivers do not prevent them. The report further states that they will be headed by Gert Rudolph and Mocke. You will, however, hear all particulars from Mr. Morewood himself. If anything is likely to take place, pray let me know, that I shall be able to get Mrs. Mesham out of the way in time.—I have, &c.,

L. E. MESHAM.

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DESPATCH FROM LORD STANLEY TO SIR G. T. NAPIER

Downing-street, 13th December, 1842.

Major-General Sir G. NAPIER, K.C.B., &c., &c.

SIR,—In my despatch of 12th October, I informed you that, looking to the altered circumstances of the case, and to the serious nature of the events which had occurred in the interim, I considered

you fully justified in having taken upon yourself the responsibility of abstaining from acting on the instructions conveyed to you in my despatch of 10th April. I authorised you to consider those instructions as suspended until you should hear from me again; and I informed you that I should take an early opportunity of bringing the whole subject of the Port Natal territory again under the consideration of my colleagues.

Since the date of that despatch, I have received your several despatches enumerated in the margin [August 9, 15, 15, 23, 30]; and the whole question appearing to me now ripe for decision, I have to convey to you the final instructions of Her Majesty's Government as to your future conduct.

Before I do so, however, I have the satisfaction of communicating my entire approval, looking to all the circumstances in which he was placed, of the course pursued by Lieutenant-Colonel Cloete; of his having restrained the Zulus from falling upon the emigrant farmers, even previous to their submission; of his having extended a general amnesty, with four exceptions only, upon their submission; and of the favourable terms which he conceded to them provisionally upon their faithful execution of the conditions to which they had agreed.

I trust that the leniency thus displayed on the part of Her Majesty's Government has not been thrown away upon these heretofore misguided men, and that Lieutenant-Colonel Cloete is not too sanguine in expressing his belief that the mass of the population are prepared, and gratefully disposed, to turn their former hatred of our Government into steady fidelity.

The question remains, in what manner to deal with the district and the numerous population thus brought again under submission and under allegiance to Her Majesty?

Various courses may be pursued. The supremacy of the British Crown having been established, the existing population might be permitted to remain and to conduct their own affairs, withdrawing the British troops, and thus neither exercising practical control nor affording efficient protection.

The emigrants may be summoned to return within the settled districts of the Colony of the Cape, and deprived of all protection, in the event of their refusal, against the hostility of the Zulus and other tribes, and of the Kafirs within their own boundaries, and farther, if deemed expedient, cut off from all supplies by sea, and from all regular and uninterrupted communication by land.

They may be removed and compelled to return under the pressure of an overwhelming military force, such as would leave no alternative but those of submission or extermination.

Or, lastly, they may be taken under the protection of the British Crown, their district recognised and adopted as a British colony, and such institutions established, under British authority, as Her Majesty may think fit.

All these courses are open to adoption, and all require to be carefully and maturely weighed.

Two other courses, indeed, there are—to neither of which, however, could Her Majesty's servants for a moment listen: the one to admit the independence of the emigrants, and to disclaim all responsibility respecting them; the other to permit them to come under the protection or dominion of any foreign Power.

1. The first course of the four to which I have adverted is open to very obvious objections. Virtually, though not nominally, it would be conferring independence on the emigrants; and the British Government would, in the face of the civilized world, make itself responsible for the conduct of its subjects, whom, nevertheless, it neither assumed to control by legislation nor to protect by military support. I fear, moreover, that in the present state of the population many of their acts, whether towards each other, towards the native tribes within their limits, or towards those who surround them, might be such as the British Government could neither approve nor permit; that dissensions and jealousies among themselves would require the intervention of some supreme authority, and that Her Majesty could not safely entrust the emigrant farmers with the unchecked management of the Kafirs within their territory, nor repose entire confidence in the moderation and temper with which they might repel the aggressions or avenge the occasional depredations of the border tribes.

2. I confess that if there were any reasonable probability of inducing the body of the emigrants to return within the settled limits of the colony under your government, either voluntarily or, after a reasonable time, by such methods of compulsion as I have already indicated, such would be the result, as you are already aware, Her Majesty's Government would most willingly see accomplished.

But you and Colonel Cloete concur in representing in the strongest terms the impossibility of inducing any considerable number of these emigrants voluntarily to return to the colony for the sake of British protection; and in your despatches of 25th July and 24th



August, you assign very strong reasons why on this subject no intermediate mode of compulsion should be adopted.

Her Majesty's Government have carefully weighed the arguments which you have urged and the difficulties which you have suggested in opposition to such a measure, and I am bound to acknowledge that they appear to me to be almost if not entirely conclusive. But it appears to us that there are reasons almost equally strong against the third course suggested: that of the employment against the Boers of a force sufficient to compel their return or to exterminate them. That such a course is within our power there can be no doubt; but, notwithstanding all the faults of which the emigrants have been guilty, I cannot be insensible to their good qualities or to the hardships which they have undergone; nor can I reconcile it to my sense either of humanity or of policy to employ a large British force in the extirpation of a body of industrious colonists professing allegiance to the British Crown, and inviting the savage tribes surrounding them to join in the exterminating process. Measures so extreme could be justified only by a necessity which, I am happy to think, does not in this case exist.

There remains, then, only to be considered the question of the recognition of the territory of Port Natal as a British colony, or part of a British colony. In your despatch to Lord J. Russell of 6th December, 1841, you state four strong objections to the incorporation of Port Natal with the colony over which you preside:—

1. That colony is already far too extensive.
2. That it is too poor to develop the resources of its present limits, with a revenue hardly adequate to its current expenses, and no prospect of an increase; and, consequently, that it is quite incapable of taking upon itself the expenses, on the most moderate scale, of a new dependency.
3. That the distance, at least 400 miles from Natal to the nearest point of the colony, and the uncertainty of communication, would render the authority of the Governor very precarious, and its exercise possibly injurious; and, lastly, that the laws of the Cape would be in many respects wholly inapplicable to Natal, and to the barbarous tribes inhabiting it.

Her Majesty's Government are disposed to admit the validity of these arguments, and to consider, therefore, the best means by which due provision might be made for establishing at Port Natal a Colonial Government distinct from, if not independent of, the Government of the Colony of the Cape of Good Hope.

I perceive that you are not disposed to estimate as highly as Lieut.-Colonel Cloete the probable value of the territory as a British colony. You state, indeed, that it contains a considerable portion of fertile land, well wooded and watered, but that its capabilities for agricultural or grazing purposes are still matter of doubt; and you add, "that some of the most beautiful portions of Southern Africa are ill-adapted for either, because rust is apt to attack the wheat, and sickness to destroy the cattle fed in those districts." But, whatever may be the fertility of the soil, I fear that the defects of the only harbour which the district possesses, and the dangers to navigate on that coast, are insuperable obstacles to any great degree of prosperity. Of the harbour, I see that Captain Ogle, of Her Majesty's ship "Southampton," speaks in the following terms:—"The difficulty of crossing the bar in decked vessels is not, I conceive, so great as is generally thought; yet it cannot be done without a fair wind, nor during neap-tides, except at high water, when vessels drawing six feet may cross it. The real danger is the detention at the anchorage outside, if unable to get to sea before the strong easterly wind sets in, it being always attended with a very heavy sea." And in your despatch of 6th December, 1841, you say "that the harbour can only be entered by the smallest coasting vessels; and the anchorage outside is so dangerous at particular seasons as to be unfit for larger vessels to ride there in safety for the purpose of discharging their cargoes."

In the face of these disadvantages, I should hardly think the possession of the mere territory, however fertile the soil, a sufficient inducement to its occupation; nor would Her Majesty's Government be justified in incurring any very heavy expenditure for the maintenance of a colony so situated.

The establishment of a Colonial Government at Port Natal, distinct from the Government of the Colony of the Cape of Good Hope, is a measure which could not be carried into complete effect without the promulgation of various instruments which it would be impossible to complete within a very brief period, even if I were sufficiently in possession of the necessary information to enable me to decide on the structure of them. Reserving this subject for further consideration, there are certain points in the decision of which it is manifestly of importance that no delay should take place; and I have, therefore, to instruct you, immediately on the receipt of this despatch, and, of course, under the supposition that no further manifestation of resistance to Her Majesty's authority shall have

taken place, to despatch to Port Natal an officer in whose judgment and discretion you can place entire reliance, who shall be authorised in the first place, as Her Majesty's Commissioner, to communicate formally to the settlers that Her Majesty has been graciously pleased to approve and confirm the act of general amnesty to all persons (with the exception specified by you) concerned in the late revolt and attack upon Her Majesty's troops.

That the inhabitants of Natal shall henceforth, so long as they shall conduct themselves orderly and peaceably, be taken under the protection of Her Majesty's Government.

The farmers and all others within the district of Natal shall be protected in the enjoyment of all such lands as they, or those from whom they derive their claim, shall have *bonâ fide* occupied for the period of twelve months previous to the arrival of the Commissioner, receiving a grant of such land from the Crown, and subject to such fine or quitrents as Her Majesty may see fit to impose.

The Commissioner will make it his first duty to inquire into and report to you upon the number of farmers and others holding lands, and of the extent claimed by each respectively; and no grants or sales of lands shall be made to any persons pending the signification of Her Majesty's further pleasure upon the subject.

All sums arising from land, whether by sale, rent, fine, or quitrent, shall be vested in Her Majesty, as shall all dues and customs collected on any part of the coast; and all such sums shall be applied exclusively to the maintenance of the civil government.

The Governor of the colony, under whatever denomination, shall be appointed by Her Majesty; and no laws to be passed in the colony shall be valid without his consent.

The Commissioner will be authorised to call together the principal emigrant farmers and others, and inform them that Her Majesty, having been graciously pleased to bury in oblivion past transactions, and being desirous of being enabled to rely upon their present assurances of dutiful obedience and loyalty, is anxious to place the institutions of the colony upon such a footing, consistent with the maintenance of her royal authority, as may be most acceptable to the bulk of her subjects. The Commissioner is, therefore, to be authorised to invite the unreserved expression of their opinions and wishes in respect to the judicial and other local institutions under which they may desire to be placed; with an assurance that such expressions, when submitted to Her Majesty, shall receive Her Majesty's most favourable consideration.



He will cause it to be distinctly understood, however, that this authority does not extend to the question of legislation, on which Her Majesty reserves to herself the most entire freedom of action.

I think it probable, looking to the nature of the population, that they will desire those institutions to be founded on the Dutch, rather than the English, model; and however little those institutions may be suited to a more advanced stage of civilization, it is the desire of Her Majesty's Government that in this respect the contentment of the emigrants, rather than the abstract merits of the institutions, should guide our decisions.

The Commissioner, however, will not hold out to the emigrants the expectation that the expenses of the colony, other than those of military protection, will be defrayed by the mother country. On his subject it is important that there should be no misapprehension.

It is also necessary that the Commissioner should state most explicitly that, whatever may be the institutions ultimately sanctioned, three conditions are absolutely essential:—

1. That there shall not be in the eye of the law any distinction of colour, origin, race, or creed; but that the protection of the law, in letter and in substance, shall be extended impartially to all alike.

2. That no aggression shall be sanctioned upon the natives residing beyond the limits of the colony, under any plea whatever, by any private person or any body of men, unless acting under the immediate authority and orders of the Government.

3. That slavery in any shape or under any modification is absolutely unlawful, as in every other portion of Her Majesty's dominions.

You will take care that it be distinctly understood that these three conditions are indispensable preliminaries to the permission which it is proposed to give to the emigrants to occupy the territory of Port Natal, and to enjoy therein a settled government under British protection: and I trust that no difficulty will be found in obtaining the willing acquiescence of the emigrants in stipulations so reasonable, and in our judgment not more called for by humanity and justice than essential to the peace and good order of the district.

I am not aware that there are other points on which it is necessary that I should give you immediate instructions. I have stated to you the grounds on which Her Majesty's Government are prepared to adopt a different course from that which they desired in April last, and the general view which they take of the mode of dealing with the district under all the embarrassments which surround the

subject. Much of the detail I shall cheerfully leave to your judgment and local knowledge. You will, I am sure, be aware how much depends on the good sense and prudence of the officer whom you may select as Commissioner. You will furnish him with detailed instructions, taking for your basis the substance of those which I have given in this despatch. You will especially warn him against committing you or Her Majesty's Government by any unauthorised announcement; and you will warn him, except in such points as he is specially ordered to announce, to consider himself rather in the light of a Commissioner sent to collect opinions and information than of an officer authorised to make definitive arrangements. You will also do well to make it known at the Cape that you are positively restricted for the present from any disposal of land at Natal, and will discourage any speculative emigration which may be likely to arise on the first announcement that Natal is to be adopted and taken under British protection.

You will have the goodness to report to me at the earliest possible period the steps which you may take in consequence of the receipt of this despatch.—I have the honour, &c.,

(Signed) STANLEY.

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CAPTAIN SMITH TO SIR G. T. NAPIER, K.C.B.

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Port Natal, 13th December, 1842.

SIR,—This morning I saw a person who left Weenen eight days ago, and I think it right to state to you the information he communicated to me. Those who are most active in creating disturbances are the Boers from the other side of the Drakensberg, where, indeed, the force is collecting. These people have drawn up an address to your Excellency, which they are preparing to send, in which they accuse those who signed the treaty of acting without authority, and declare that they neither are nor will be British subjects. Mocke, who with Gert Rudolph is to command, was most active on the Orange River. My informant did not know for what purpose the force was collecting; and though many meetings were held, he was not present, being a suspected person. Prinslo and the elder Breda were at Weenen, as well as the commandant, Gert Rudolph. Many of the Boers are trekking out of the way to avoid the consequences. He states that the people are kept quite in the dark

as to the tenor of the treaty, and that most absurd intentions are imputed to the British Government, of course by those who would be sufferers in the event of a quiet settlement of affairs taking place.

I saw one of the American missionaries this morning. He had heard that the natives on the other side had been gained over by the Boers, and were to be opposed to the natives here, in order to leave them free to attack the troops.

I think it not unlikely this place will be made the scene of a fierce struggle at no distant period, for the mass seem determined not to submit to the Government, and without a port they well know they can be nothing; and their ignorance is such that they still continue to hope for naval aid from Holland.

This gentleman (the American missionary) said that he believed there was much more in the visit of the supercargo than had transpired; and added that the resemblance between that person and a portrait of the Dutch admiral which he had seen, was quite surprising: he evidently appeared to infer that Smellekamp was an emissary of the Dutch Government in disguise.

I regret to find that the "Fawn," on coming here, was most inadequately supplied with ammunition.—I have the honour, &c.,

(Signed) J. C. SMITH, Captain, 27th Regt.

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CAPTAIN J. C. SMITH TO SIR G. T. NAPIER, K.C.B.

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Port Natal, 13th December, 1842; 12 at noon.

SIR,—I was just closing my packet to you when the enclosed letter was placed in my hands, of which the contents are most important, coming as they do from a person having the best means of information. When he tendered his resignation of the position of landdrost lately, it was not received—two months' notice being required—and he therefore fled from Pietermaritzburg, and is now living on the Umlazi, near or at the residence of Dr. Adams.

There is every reason to credit Barend Rudolph's statement, although the number of Boers coming here may be exaggerated; but a great influx of people has lately taken place from the Orange River towards and across the Drakensberg.

The writer, although a brother of the commandant, is a timid and peaceably-disposed person, and fled to avoid the troubles he foresaw coming on. I shall send instantly to warn Umpanda.



This moment, a letter from Dr. Adams, confirmatory of the first enclosure, was given to me. I send a copy; and, while doing so, beg to advert to the excellent feelings of the gentlemen of the American mission.

Their names, I presume to advise, as well as that of Barend Rudolph, had better be kept from transpiring.—I have, &c.,

(Signed) J. C. SMITH, Captain, 27th Regt.

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[Enclosure No. 1.]

B. RUDOLPH TO CAPTAIN SMITH.

Umlazi, 13th December, 1842.

SIR.—Being at present at the station of Dr. J. Adams, and considering myself in duty bound, as a subject of Her Majesty the Queen of England, agreeably to the treaty concluded on the 15th July last, I have the honour to acquaint you that I had an opportunity last week of hearing a letter read, written by one G. Moeke, who styles himself commandant at Modder River, intimating his transactions concerning the fixing a limit or boundary at the Orange River, and expressing his hope that it will meet the approbation of the Council at Pietermaritzburg, &c., &c., and that the Council will be expected to provide ammunition, and that they intend coming hither by the middle of December or January, to give the English notice to depart. In the course of last week a person arrived at Pietermaritzburg who keeps himself very retired; however, I have ascertained from him that he has come for the same purpose as stated above. I can assure you that there was nothing of the matter known at Pietermaritzburg, and hope that they will not entertain so ridiculous an idea. I must inform you that I have heard from one Potgieter that 2,000 men will come over the Draakberg this month. (This Potgieter lives at the Tugela, at the foot of the Draakberg.) I told him that I could attach no belief to his assertion; but he assured me that my eyes would see it: and he told me, further, that the commando is not intended to proceed immediately against the English, but that they had an eye on Umpanda; and I verily believe that the circumstances of the case are not otherwise at present. I am persuaded that Captain Smith will consider me as a subject of Her Majesty, and not otherwise, and that my writing to you does not arise from any other motive, and that the safety of myself and family will be regarded by you as much as possible, for I fear evil-disposed people.

I feel anxiety in ascertaining, or rather in hearing, from the farmers that what I said to you when I was last in camp is unknown to them.—I have the honour, &c.,

(Signed) B. RUDOLPH.

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[Enclosure No. 2.]

DR. J. ADAMS TO MR. CATO.

Umlazi, 13th December, 1842.

SIR,—Since I saw you yesterday, I have obtained some additional information in regard to the designs of the farmers living beyond the Kathlamba Mountains. A letter was received by the authorities at Pietermaritzburg recently from one who appears to be a sort of leader or commandant on the other side, by the name of Mocke, requesting the Pietermaritzburg people to join them on the other side in an expedition against Umpanda and the people of this region. It is the plan to attack Umpanda first, and then the people of Natal. The pretence for attacking Umpanda is: they allege that he has a commando ready, and designs to attack them. This is a shallow reason, certainly. Doubtless, they want his cattle and the cattle of this region. The commando from the other side, it is said, would cross the mountains on or before the 16th instant, in case a favourable answer should be received from this side. The people of Pietermaritzburg are not disposed to join an expedition of the kind proposed, and have returned an answer to that effect.

I have also received a letter from Mr. Lindley, which corroborates some of the particulars I have mentioned.—I have, &c.,

(Signed) J. ADAMS.

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SIR G. T. NAPIER, K.C.B., TO CAPTAIN SMITH.

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Government House, Cape Town,

23rd December, 1842.

SIR,—I have the honour to acknowledge the receipt of your letter of the 6th ultimo, transmitting for my information copies of two notices which have been published by you relative to the issuing of title deeds at Pietermaritzburg to those lands already in the possession of the emigrant farmers, and to acquaint you that I approve of the measures which you have taken for undeceiving the people in regard to the value which can be attached to these docu-

ments in the event of Her Majesty's Government resolving upon the extension of British law and authority to those countries.

The titles are perfectly worthless, and the emigrants have been sufficiently warned that they are so; but there is, perhaps, no point on which greater caution should be used by you than the one in question.—I have the honour, &c.,

(Signed) GEORGE NAPIER.

SIR GEORGE NAPIER, K.C.B., TO CAPTAIN SMITH.

Government House, Cape of Good Hope,  
23rd December, 1842.

SIR,—I have the honour to acknowledge the receipt of your letter of the 15th ultimo, acquainting me with the circumstances which led you to order Captain Lonsdale and a party of soldiers out on the 23rd of May last for the purpose of recovering some cattle belonging to the detachment under your command, and in reply I have to inform you that the explanation is perfectly satisfactory.

I have the honour, &c.,

(Signed) GEORGE NAPIER.

SIR G. T. NAPIER, K.C.B., TO MAJOR SMITH.

Government House, Cape of Good Hope,  
23rd December, 1842.

SIR,—I have the honour to acknowledge the receipt of your letter of the 20th ultimo, explaining the reasons which led you to arrest and send to Cape Town a Mr. Isaac van Niekerk, of Pietermaritzburg, on a charge of felony, for inciting a soldier to desert, and to acquaint you that I approve of the measures which you adopted; although the Attorney-General is of opinion that the evidence transmitted is hardly sufficient to justify him in detaining the man in prison until the necessary witnesses could be sent from Natal.

Before Niekerk was discharged from confinement, however, two charges of theft were preferred against him; and as he will be remanded to the Circuit Court of Graham's Town to stand his trial for these offences, it will be some considerable time before he again makes his appearance in your neighbourhood.—I have, &c.,

(Signed) GEORGE NAPIER.



SIR G. T. NAPIER, K.C.B., TO MAJOR SMITH.

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Government House, Cape of Good Hope,  
23rd December, 1842.

SIR,—I have the honour to acknowledge the receipt of your letter of the 21st ultimo, transmitting a copy of a pamphlet circulated by the Dutch supercargo Smellekamp, which was said to have caused much excitement at Port Natal, and informing me that a disavowal of the proceedings of the individual above named by the Dutch Government would do much to tranquillise the people.

I shall take an early opportunity of forwarding a translation of the pamphlet for the information of Her Majesty's Government; but, in the meantime, I transmit a number of copies in Dutch and English of a despatch and its enclosure which I have lately received from the Right Honourable the Secretary of State, containing a disavowal on the part of the Dutch Government of any participation in the proceedings of the captain or owners of the "Brazilia." I trust this communication will put an end to the absurd expectations entertained by the emigrants that Holland is disposed to lend them any countenance or support in their attempt to assert their independence.—I have the honour, &c.,

(Signed) GEORGE NAPIER.

## SECTION V.

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1843.

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### DESPATCH FROM SIR GEORGE NAPIER

TO THE RIGHT HONOURABLE THE LORD STANLEY, SECRETARY OF STATE.

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Government House, Cape of Good Hope,  
6th January, 1843.

**M**Y LORD,—In transmitting for your Lordship's information the enclosed copies of the reports which I have received from Major Smith relative to the affairs of Port Natal between 6th November and 12th December last, I have the honour to draw your particular attention to the pamphlet which forms one of the enclosures, and which was extensively circulated among the emigrant farmers by the supercargo of the "Brazilia."

I concur with Major Smith in opinion that much of importance is to be attached to this document, which, although professing to be published for the purpose of disseminating information in Holland relative to the affairs of a country with which the writer considered a lucrative trade might be established, contains many passages calculated to excite, among people already sufficiently disaffected towards the British Government, still stronger feelings of disinclination again to submit to the Queen's authority.

I do not apprehend that the farmers beyond the Orange River will attempt any movement towards Natal for the purpose of attacking either the native tribes or the troops, having already excited the anger of the Griquas sufficiently to make that nation fall on the farmers should their strength be considerably diminished; nor, in the event of such a movement being made, do I conceive that success could possibly attend it, seeing that the position occupied by the

force under Major Smith is defended by regular entrenchments, and fortified by the presence of a vessel of war anchored inside the harbour. But as much excitement will naturally prevail in that country consequent on the movement of the Lieutenant-Governor towards the northern boundary, I have thought it expedient to request the Admiral commanding on the station to despatch a vessel of war to cruise on that coast, provided the present arrangement of the squadron leaves it in his power to comply with my request.—I have the honour, &c.,

(Signed) GEORGE NAPIER.

#### DESPATCH FROM SIR GEORGE NAPIER

TO THE RIGHT HONOURABLE THE LORD STANLEY, SECRETARY OF STATE.

Government House, Cape of Good Hope,  
21st January, 1843.

MY LORD,—With reference to the concluding paragraph of my despatch No. 4, of the 6th instant, I have the honour to acquaint your Lordship that Rear-Admiral the Honourable Josceline Percy has despatched Her Majesty's ship "Winchester" to cruise off Natal for fourteen days, and to communicate with Major Smith, and that the "Cleopatra," which arrived at Algoa Bay a few days ago from the Mauritius, has also proceeded to the same destination. This demonstration will render Major Smith's position quite secure, by showing the emigrants that their movements are watched, and that force is at hand to check them in the event of their making any attempt of a hostile nature against the detachment at Port Natal.

I have on this as on former occasions to express my thanks for the prompt and efficient co-operation which I have received from the Admiral in support of the operations which it has been necessary to undertake in consequence of the movements of the emigrant farmers at Port Natal.—I have the honour, &c.,

(Signed) GEORGE NAPIER.

#### LORD STANLEY TO SIR GEORGE NAPIER.

Downing-street, 26th January, 1843.

SIR.—I have to acknowledge the receipt of your despatches of the numbers and dates noted in the margin.

By these communications I learn with regret that the minds of the Boers at Natal are still unsettled—that their submission to the



Queen's authority is, apparently, equivocal; and that among the Boers generally, who have located themselves beyond the frontiers, such misapprehensions prevail as to the real state of affairs in Natal, and such unfounded expectations of the possible assent of Great Britain to the establishment of a Dutch Republic, or of the interposition of Holland, or of any other European Power, in favour of such a project. You have already been furnished with the most indisputable proofs of the fallacy of any such expectations; and I hope that the notification of the favourable conditions on which the Queen has been pleased, through my despatch of the 13th December, to signify her willingness to grant protection and indemnity to the Natal settlers, will have disposed them to acquiesce peaceably in dutiful submission to the Crown, and that they will not compel Her Majesty's Government to put forth the means which they know we possess of effectually putting down any disposition to turbulence.

The accounts, however, which have been received of the proceedings of the Boers at Natal and elsewhere, and also of some of the Kafir tribes, have induced Her Majesty's Government to make arrangements for strengthening the force allotted to the colony.

\* \* \* \*

With this force I trust that you will be effectually able to protect the frontier, and at the same time to keep order in the Natal territory, and among the neighbouring tribes. You will, however, be careful not to engage in operations at a distance from the settled parts of the colony.

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[The portions of the despatch omitted do not relate to Natal.]

I have the honour, &c.,

(Signed) STANLEY.

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MAJOR J. C. SMITH TO MR. BODENSTEIN.

Port Natal, 28th January, 1848.

SIR,—I have learnt with much surprise that a demand has been made at Pietermaritzburg for custom dues on goods arriving at that place from Natal. I therefore hasten to acquaint you that such an act is illegal, all custom duties being the property of the Crown, by whose authority alone the order for their collection can be given. Under these circumstances, I beg you will acquaint the farmers that I cannot sanction the step they have taken and have therefore issued a notice forbidding such goods being transmitted to the interior until it is notified to me that their intention of demanding duties on

them has been abandoned. When that takes place, the restriction shall be immediately removed.

On the other side, I send you an extract from the Cape Almanac for the present year, by which you will perceive that all the custom duties on articles shipped for this place are required to be paid previous to their leaving the colony, and, of course, cannot be subject to surcharge, except by the express authority of Government.—  
I have, &c., (Signed) J. C. SMITH, Major, 27th Regt.

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PUBLIC NOTICE.

It having been officially communicated to me that a demand had been made at Pietermaritzburg for certain dues on goods landed at this port from British vessels on which the custom and other duties had been already paid, and as such dues belong to the Crown, and the levying thereof can only be done by its authority, I think it right to forbid the transmission of any goods whatsoever from this place to the interior, until it shall have been intimated to me that the illegal demand in question has been given up.

Given under my hand, at the Commandant's office, Port Natal, 28th January, 1843.

(Signed) J. C. SMITH, Major, 27th Regt.,  
Commandant of Natal.

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MAJOR SMITH TO SIR GEORGE NAPIER, K.C.B.

Port Natal, 3rd February, 1843.

SIR,—I have the honour to acquaint your Excellency that, almost immediately after the departure of H.M.S. "Winchester," I received a letter from Mr. Mesham, stating that on his return to Pietermaritzburg he was required to pay custom dues on the goods he brought with him from this place. He encloses me the notice he had been served with to that effect, which is signed by Bodenstein, as "Receiver of Customs," and I enclose it for your Excellency's information.

Viewing the assumption of the right to levy duties as a step indicative of their considering themselves independent of the authority which alone can sanction it, I consider it advisable to take measures for its repression, and therefore issued a notice forbidding any goods being transmitted to the interior until the demand was given up. I also wrote a letter to be laid before the farmers, explaining my reasons for taking this step, and stating that when the alleged intention of levying duties was abandoned the restriction

would be removed. Yesterday evening I received a reply from Bodenstein, to inform me that my letter not having been addressed to him as secretary to the Raad, he therefore considered it as private, and had not laid it before them. This is a mere evasion, in order to obtain proof of my admitting their appointments; for I know my letter was laid before the Raad and discussed by them. I shall write this day to require a reply on the subject, and inform them that, if not abandoned, I shall feel myself compelled, however unwillingly, to close the port and forbid their produce being embarked. They will not, I am told, persist in the demand, but levy a higher charge upon licences instead, which I do not think it essential I should interfere with.

Having been put in possession of a copy of the letter written by Mocke to the Volksraad, obtained with some difficulty, I forward it to your Excellency, it being curious, as showing the feeling of these people as regards the Government. Viewing the abandonment of this place as a step that would ultimately embarrass the colony to an extent not at present contemplated, I consider all documents expressive of the opinion of the Dutch that have separated themselves from British authority as valuable, in so far as they show how little chance there is, if left again to themselves, of their being brought to submit to lawful authority. Once leave them the port, and supplies will flow in abundantly; while the influx of foreigners of all descriptions will soon enable them (from its embarrassing bar and commanding bluff) to place it in a condition to resist all but a very formidable force.

Matters here remain in the same state as when the "Winchester" sailed; but I entertain no apprehension of an outbreak taking place for the present, although they still hold out the threat of attacking the Kafirs and driving them on the British for protection.

The "Conch" arrived here to-day, forty-five days from Algoa Bay!—I have the honour, &c.,

(Signed) J. C. SMITH, Major, 27th Regt.

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[Enclosure.]

#### DEMAND FOR PAYMENT OF IMPORT DUTIES.

[Translation.]

Mr. Mesham, it is expected that you will come and pay the import duties on the goods purchased by you, according to resolution of the Council.—Yours,

(Signed) J. BODENSTEIN,

18th January, 1843.

Receiver of Import Dues.



## DESPATCH FROM SIR GEORGE NAPIER

TO THE RIGHT HONOURABLE THE LORD STANLEY, SECRETARY OF STATE.

Government House, Cape of Good Hope,  
21st February, 1843.

MY LORD,—I have the honour to transmit for your Lordship's information the enclosed copy of a letter which I have received from Major Smith, the Commandant of Port Natal, reporting that all was tranquil in that neighbourhood on the 3rd instant, and to request your Lordship's particular attention to the translated copy of the letter of Mocke, the leader of the disaffected Boers resident at the Modder River, as showing how little hope there is of such turbulent, misguided people being brought to submit to any kind of government unless thereto compelled by force.—I have the honour, &c.,

(Signed)      GEORGE NAPIER.

## GOVERNMENT ADVERTISEMENT.

Colonial Office, Cape of Good Hope,  
24th March, 1843.

With reference to the advertisement of 21st December last, making public the disavowal by the Dutch Government of the proceedings of the master and the supercargo of the "Brazilia" at Port Natal, His Excellency the Governor now desires it to be notified that, by a despatch recently received from the Secretary of State, covering a copy of letter from Baron van Kattendyke to Sir Edward Disbrowe, under date 4th November, 1842, His Excellency learns that the disloyal communications and overtures made to the said Government by the emigrant farmers in the month of April last, have been repelled with all the indignation that was to be expected from a Power in close alliance and amity with Her Britannic Majesty; and that the King of Holland and his Ministers have taken every possible step to mark their entire disapproval of the unjustifiable use of their name by the two individuals above mentioned, and to express their satisfaction at the promptitude with which the insurrectionary movement at Port Natal was put down.

By command of His Excellency the Governor,

(Signed)      J. MOORE CRAIG,  
Acting Secretary to Government.

## DESPATCH FROM LORD STANLEY TO SIR G. NAPIER.

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Downing-street, 29th April, 1843.

Major-General SIR G. NAPIER, K.C.B., &c.,

Cape of Good Hope.

SIR,—I have to acknowledge the receipt of your despatch No. 4, of 6th January, with a pamphlet and a translation of it in manuscript therein enclosed, bearing date Amsterdam, 1841, which had been extensively circulated among the emigrant farmers by the supercargo of the "Brazilia;" and having caused an extract of that despatch, together with the pamphlet, to be communicated to the Earl of Aberdeen, I now transmit to you a copy of the answer which has been received from the Foreign Office, with a copy of the despatch and its enclosure which has been addressed to Lord Aberdeen by Her Majesty's Minister at the Hague on this subject.—I have, &c.,

(Signed) STANLEY.

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## DESPATCH FROM HER MAJESTY'S MINISTER AT THE HAGUE.

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The Hague, 21st April, 1843.

The Earl of Aberdeen, &c., &c.

MY LORD,—In reference to your Lordship's despatch No. 5 transmitting to me the copy and extract of a despatch from the Governor of the Cape of Good Hope, and enclosing a pamphlet, bearing date Amsterdam, August, 1841, I have the honour to inform your Lordship that I have read these despatches to His Excellency the Minister for Foreign Affairs, and as he has expressed a desire to have copies of them, I shall place them in his hands in a day or two.

The pamphlet has been perused by the Minister of Justice, who is not of opinion that it contains any legal ground for prosecuting the author, notwithstanding the fact that the professed object of the pamphlet—that of "disseminating information in Holland with respect to the affairs of a country with which the writer considers that a profitable trade may be established"—is a mere pretext for concealing the political object which the parties had in view; for although it is possible that a few copies may have been distributed to friends in order to engage them, if possible, to subscribe to the loan which it professes the intention to raise, your Lordship will perceive by the accompanying despatch from Mr. Annesley, in reply

to one which I wrote to him, that the printers could not furnish a single copy, and that they even avow "that it was not printed with a view to circulation in the Netherlands, nor has it been offered for sale at Amsterdam."

I have not failed to point out this remarkable feature of the case to M. de Kattendyke, and I have received in return the most positive assurances that everything that can be done by this Government, within the bounds of the Constitution, will be done to prevent the Netherlands subjects from mixing themselves up in transactions calculated to breed disaffection among Her Majesty's subjects.

I have the honour, &c.,

(Signed) E. C. DISBROWE.

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### LEGISLATIVE COUNCIL.

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On Thursday, 4th May, 1843, at a meeting of the Legislative Council, His Excellency the Governor read the following Minute respecting the settlement of affairs at Natal:—

#### MINUTE OF HIS EXCELLENCY THE GOVERNOR TO THE LEGISLATIVE COUNCIL RESPECTING PORT NATAL.

I cheerfully avail myself of this early opportunity, after the very recent receipt of the decision of Her Majesty's Government upon the subject of the Port Natal territory, of communicating to you the substance of the instructions with which I have been honoured, and of the measures I shall immediately adopt for giving them effect. And it will, I am persuaded, be no less gratifying to your feelings than it has been to my own to learn that the Right Honourable the Secretary of State for the Colonies has communicated to me "the entire approval, looking to all the circumstances in which he was placed, of the course pursued by Lieutenant-Colonel Cloete; of his having restrained the Zulus from falling upon the emigrant farmers, even previous to their submission; of his having extended a general amnesty, with four exceptions only, upon their submission; and of the favourable terms which he conceded to them provisionally, upon their faithful execution of the conditions to which they had agreed.

His Lordship trusts "that the leniency thus displayed on the part of Her Majesty has not been thrown away upon these heretofore misguided men, and that Colonel Cloete has not been too



sanguine in expressing his belief that the mass of the population are prepared, and gratefully disposed, to turn their former hatred of our Government into steady fidelity."

Of the various courses which might have been effectually pursued for maintaining the supremacy of the British Crown thus established, Her Majesty's Government has not, under the professions of allegiance made by the farmers, deemed it either expedient or necessary to coerce them by military force to abandon Natal and return to the colony, or to leave them to conduct their own affairs without affording them efficient protection. Her Majesty has, therefore, decided upon taking them under the protection of the British Crown; of recognising their district; of adopting it as a British colony; and of establishing such institutions, under British authority, as Her Majesty may deem necessary.

Having thus announced to you Her Majesty's gracious intentions, I feel it my duty at the same time to inform you that nothing would have induced Her Majesty's advisers to admit the independence of the emigrants, and to disclaim all responsibility respecting them, or to permit them to come under the protection or dominion of any foreign Power.

Having in my communications to Her Majesty's Government adverted to the several arguments which present themselves against the incorporation of Natal with the Government of this colony, I am enabled to state that Her Majesty's Government are disposed to admit the validity of those arguments, and to consider, therefore, the best means by which due provision may be made for establishing at Port Natal a Colonial Government distinct from, if not independent of, the Government of the Colony of the Cape of Good Hope. This, however, is a measure which could not be carried into complete effect without the promulgation of various instruments which Her Majesty's Government have not as yet had either the necessary time or information to complete, and the structure of which Her Majesty's Government reserve for further consideration.

In order the better to carry into effect the objects of Her Majesty's Government in reference to the territory in question, I am directed to despatch a Commissioner to Port Natal, who in the first place will communicate formally to the emigrants that Her Majesty has been graciously pleased to approve and confirm the act of general amnesty as granted by Lieutenant-Colonel Cloete, as acting under my authority, with respect to the several persons concerned in the late revolt and attack upon Her Majesty's troops.

2nd. That the inhabitants of Natal shall henceforth, so long as they shall conduct themselves orderly and peaceably, be taken under the protection of Her Majesty's Government.

3rd. That the Commissioner shall make it his first duty to inquire into and report upon the number of farmers and others holding land within the district of Natal, and of the extent of it, which they, or those from whom they derive their claim, shall respectively have *bona fide* occupied for a period of twelve months previous to the arrival of the Commissioner, with a view to their receiving hereafter grants from the Crown of such an area thereof as Her Majesty may determine, subject to such fine or quitrent as Her Majesty may see fit to impose. In the meantime, they will be protected in the enjoyment of all such lands as they may be found by the Commissioner to claim and hold. The Commissioner's report upon their claim will be transmitted for the consideration of Her Majesty's Government with the least possible delay; but no grants or sales of land in the Natal district can be made to any person pending the signification of Her Majesty's pleasure on the subject. I cannot, however, conceal from you my sincere belief that the reasonable expectations of the farmers will be realised by Her Majesty's gracious consideration of their claims, the Right Honourable the Secretary of State having communicated to me that, notwithstanding all the faults of which the emigrants have been guilty, Her Majesty's Government cannot be insensible to their good qualities, or to the hardships which they have undergone.

Her Majesty's advisers have determined that all sums arising from land, whether by sale, rent, fine, or quitrent, shall be vested in Her Majesty, as shall all dues and customs collected on any part of the Natal coast; and that all such sums shall be applied exclusively to the maintenance of the civil government of the Natal district. They have further decided that the Governor of that colony, under whatever denomination, shall be appointed by Her Majesty, and that no laws to be passed in the colony shall be valid without his consent.

Her Majesty's Government is also anxious to place the institutions of the colony upon such a footing, consistent with the maintenance of her royal authority, as may be most acceptable to the bulk of her subjects; and in order to ascertain their wants upon this point, the Commissioner will be instructed to invite the unreserved expression of their opinion and wishes in respect to the judicial and other local institutions under which they may desire to be placed;

and he will be authorised to assure them that such expressions, when submitted to Her Majesty, will receive Her Majesty's most favourable consideration: as I am empowered to say that the contentment of the emigrants, rather than the abstract merits of these institutions, will guide the decision of Her Majesty's Ministers.

It is, however, distinctly to be understood that upon the question of legislation Her Majesty reserves to herself the most entire freedom of action.

It is also of the utmost importance for the farmers to understand that, with the exception of defraying the expenses for military protection by the mother country, the colony must in every respect support the charges for its local government.

The Commissioner will also be instructed to make known in the most explicit terms to the emigrants that, whatever may be the institutions ultimately sanctioned, the three following conditions are absolutely essential:—

1st. That there shall not be in the eye of the law any distinction or disqualification whatever, founded on mere distinction of colour, origin, language, or creed; but that the protection of the law, in letter and in substance, shall be extended impartially to all alike.

2nd. That no aggression shall be sanctioned upon the natives residing beyond the limits of the colony, under any plea whatever, by any private person or any body of men, unless acting under the immediate authority and orders of the Government.

3rd. That slavery in any shape or under any modification is absolutely unlawful, as in every other portion of Her Majesty's dominions.

So essential, indeed, to the mind of Her Majesty's Government are these conditions, that I am instructed to take special care for it to be distinctly understood that they are indispensable preliminaries to the permission which it is proposed to give to the emigrants to occupy the territory of Port Natal, and enjoy therein a settled government under British protection.

In the course of a few days my arrangements will be completed for the appointment of a Commissioner, when I shall be enabled to promulgate by Proclamation the general view taken by Her Majesty's Government of the mode of dealing with the Natal district, and which I have now communicated to you.

In the meantime, I cannot too plainly make known, through you, that I am positively restricted for the present from the disposal of any land at Natal; and I am further instructed to discourage any



speculative emigration which may be likely to arise on the first intimation that Natal is to be adopted and taken under British protection.

(Signed) GEO. NAPIER, Governor.

Government House, Cape Town, 4th May, 1843.

### PROCLAMATION

By His Excellency Major-General Sir GEORGE THOMAS NAPIER, K.C.B., Governor and Commander-in-Chief of Her Majesty's Castle, Town, and Settlement of the Cape of Good Hope, South Africa, and of the Territories and Dependencies thereof, and Ordinary and Vice-Admiral of the same, Commanding the Forces, &c., &c.

WHEREAS I did on the 11th day of August, 1842, issue a certain Proclamation, offering a reward of One Thousand Pounds to any person or persons who should apprehend and lodge in any of Her Majesty's prisons, or with the officer commanding Her Majesty's troops in Port Natal, in order to their being dealt with according to law, the certain persons following, that is to say: Joachim Prinsloo, Johannes Jacobus Burger, Michael van Breda, and Servaas van Breda, alleged to have been guilty of high treason, and offering a reward of Two Hundred and Fifty Pounds for each of the said persons who should be apprehended and lodged in the manner aforesaid; and whereas under existing circumstances it appears to me expedient that the said Proclamation should be recalled; but so, however, as not to amount to any pledge or promise of pardon to any of the said persons so charged as aforesaid, whose cases will hereafter be fully considered and finally determined upon as justice shall require:

Now, therefore, I do hereby proclaim, declare, and publish, that the said Proclamation of 11th August, 1842, and the offers of reward therein made have been, and the same are, hereby wholly abrogated and withdrawn, and that the said persons in the said Proclamation named, and for whose apprehension the said offers of reward were made, are hereafter to be viewed and considered just as if the said Proclamation had never been issued, and not otherwise or differently.

GOD SAVE THE QUEEN!

Given under my hand and the Public Seal of the Settlement at Cape Town, this 10th day of May, 1843.

(Signed) GEORGE NAPIER.

By command, &c., (Signed) JOHN MONTAGU, Sec. to Government.

## PROCLAMATION

By His Excellency Major-General Sir GEORGE THOMAS NAPIER, K.C.B.,  
Governor and Commander-in-Chief of Her Majesty's Castle,  
Town, and Settlement of the Cape of Good Hope, South Africa,  
and of the Territories and Dependencies thereof, and Ordinary  
and Vice-Admiral of the same, Commanding the Forces, &c., &c.

WHEREAS Her Majesty the Queen, in reference to the resistance to her royal authority manifested some time since by certain of her then misguided subjects, resident in the district of Port Natal, hath been graciously pleased to bury past transactions in oblivion, and to declare herself desirous of being able to rely upon the assurances of loyalty and obedience which her said subjects have solemnly and deliberately given: And whereas by a despatch which I have recently received from the Right Honourable the Secretary of State for the Colonies, I have had communicated to me the gracious intentions of Her Majesty with regard to the district aforesaid, as well as the general views of Her Majesty's Government respecting the mode in which the affairs of the said district shall be settled, so as most completely to secure the preservation of Her Majesty's sovereign authority, the prosperity of the people for whose safety and guidance that authority has been asserted, and the peace, protection, and salutary control of all classes of men settled at and surrounding that important portion of South Africa; and whereas, although in a Minute lately laid by me before the Legislative Council of this colony—of which Minute a copy was, by my order, published in the *Government Gazette* of 5th May instant for general information—I have adverted to the principles upon which Her Majesty's Government purpose to proceed in carrying out the beneficent line of policy already indicated, I deem it nevertheless expedient to promulgate, by way of Proclamation, the substance of some portions of the said Minute, together with certain further details therewith connected, in order, amongst other things, that Her Majesty's Commissioner, hereinafter named, who is upon the eve of his departure to Natal, may be duly accredited, and the general scope and object of his powers sufficiently understood:

Now, therefore, I do hereby proclaim, declare, and make known the several matters following—that is to say:

I. That by virtue of the power and authority in that behalf in me vested, I have nominated, constituted, and appointed the

Honourable Henry Cloete, Esq., L.S., LL.D., to be during pleasure Her Majesty's Commissioner for the district of Port Natal.

II. That Her Majesty's said Commissioner is authorised to communicate formally to the settlers in the district that Her Majesty has been graciously pleased to approve of and confirm the act of general amnesty of 15th July, 1842, in manner and form as the same was originally granted by Lieutenant-Colonel Cloete, acting under my authority, with respect to the various persons concerned in the late revolt and attack upon Her Majesty's troops.

III. That the district of Port Natal, according to such convenient limits as shall hereafter be fixed upon and defined, will be recognised and adopted by Her Majesty the Queen as a British colony, and that the inhabitants thereof shall, so long as they conduct themselves in an orderly and peaceable manner, be taken under the protection of the British Crown.

IV. That Her Majesty's said Commissioner is empowered and instructed to ascertain in the fullest manner the opinions and wishes of Her Majesty's subjects at Natal, relative to their judicial and other local institutions, in order that suitable arrangements in that behalf may afterwards be made according to the benignant principles explained and set forth in my Minute to the Legislative Council, and which need not be here repeated.

V. That while Her Majesty's said Commissioner is not debarred by his instructions from receiving and recording any suggestions which may be offered relative to the species of legislative authority proper to be established in the colony, he will at the same time cause it to be distinctly understood that upon this subject Her Majesty reserves to herself the most entire freedom of action.

VI. That Her Majesty's said Commissioner is instructed distinctly to declare that the three next mentioned conditions—all of them so manifestly righteous and expedient as to secure, it is to be hoped, their cheerful recognition by the inhabitants of Natal—are to be considered as absolutely indispensable to the permission which it is proposed to give the emigrants to occupy the territory in question, and to enjoy therein a settled government under British protection :

1st. There shall not in the eye of the law be any distinction of persons or disqualification, founded on mere distinction of colour, origin, language, or creed ; but that the protection of the law, in letter and in substance, shall be extended impartially to all alike.

2nd. That no aggression shall be sanctioned upon the natives



residing beyond the limits of the colony, under any plea whatever, by any private person or any body of men, unless acting under the immediate authority and orders of the Government.

3rd. That slavery in any shape or under any modification is absolutely unlawful, as in every other portion of Her Majesty's dominions.

VII. That, pending the promulgation of such definitive arrangements as Her Majesty may be pleased hereafter to sanction and establish, the existing institutions of the district of Natal will not be interfered with, so long as nothing is attempted under colour thereof contrary to the tenor of any of the provisions of this Proclamation, or any of the provisions of the Act of the 6th and 7th William IV., cap. 57, regarding crimes and offences committed by any of Her Majesty's subjects within any territory adjacent to the Colony of the Cape of Good Hope, and being to the southward of the 25th degree of south latitude, or to the loyalty and due obedience owing to the British Crown.

VIII. That with the exception of the expense of maintaining within the district of Natal a military force adequate to its protection, which expense will be borne by the mother country, that colony must in every respect support the charges of its local government.

IX. That in order the better to enable the colony to sustain the said charges, no extrinsic application will be made of any portion, whatever of the revenue originating within the same; but all sums of money arising from land, and whether by sale, rent, fine, or quit-rent, shall be vested in Her Majesty: as shall also all dues and customs which may, at any time after the legal establishment of the colony, be collected on any part of the Natal coast; and all sums of money shall be applied exclusively to the maintenance of the civil government of the district.

X. That the farmers and all others holding land within the district shall, pending the further pleasure of Her Majesty, be protected in the enjoyment of all such land as they shall be found by Her Majesty's Commissioner to claim and hold.

XI. That the farmers and all others holding land within the district of Natal will be called upon by the said Commissioner to make accurate returns showing the quantity of land which they, or those from whom they derive their claim, shall have *bona fide* occupied for a period of twelve months next before the arrival of the said Commissioner, in order that, after such returns shall have been

verified by the said Commissioner, grants from the Crown may be made to the several parties, to such an extent and upon such terms as Her Majesty, taking into consideration the circumstances of the colony, the general welfare of its inhabitants, and the expediency of raising, in any just and equitable manner, such a land revenue as may make the charge of supporting the local government least burdensome to her subjects, may approve of and impose.

XII. That, pending the signification of Her Majesty's pleasure upon the subject, no grant or sales of land in the district of Natal will be made to any person whomsoever; and that all persons are hereby distinctly warned of the absolute futility of any attempt to acquire a title or claim to any lands in the said district by any species of dealing or transaction with any person or persons: whatever, save and except in such cases as fall legitimately within the principle of the *bona fide* occupation of twelve months, as in the last preceding articles set forth.

And now, in order that Her Majesty's said Commissioner may be the better able to discharge the important duties with which he is entrusted, I hereby charge and exhort all Her Majesty's subjects to be aiding and assisting him while acting in the performance of his several functions, that so the affairs of the Natal district may be the more speedily and satisfactorily settled and arranged: an efficient though, as much as may be, inexpensive government supported by Her Majesty's power and authority be substituted for an anomalous state productive of weakness and disunion: the gracious desire of Her Majesty to knit the hearts of all her subjects to her person and government, as evinced by her willingness to concede to her people at Port Natal every just personal right, and every reasonable political privilege, be happily accomplished; and the natural resources of that country be gradually developed under Her Majesty's firm but fostering rule, stimulating the industry which can never prosper but beneath settled institutions, and securing the advantages which are enjoyed by every colony of Great Britain.

GOD SAVE THE QUEEN!

Given under my hand and the public seal of the Settlement, at Cape Town, Cape of Good Hope, this 12th day of May, 1843.

(Signed) GEORGE NAPIER.

By command of His Excellency the Governor,

(Signed) JOHN MONTAGU,  
Secretary to Government.

## COMMANDANT G. J. RUDOLPH TO MR. J. G. VERMEULEN.

[Translation.]

Pietermaritzburg, 12th May, 1843.

Mr. J. G. VERMEULEN, Landdrost.

SIR,—Wishing you the enjoyment of good health, I have at the same time to inform you that, by God's grace, we are accompanied by our Dutch friend; but up to this moment we are ignorant of the manner in which our case has been settled. Smellekamp and Captain Reus alone have arrived in the bay by a ship, and expect the other large ships.

Those that are disposed for the English are cowed. Communicate this to all friends—to Laurens also. The good God has listened to our prayers. I can only write briefly, and am unable to say anything more, but the time has now arrived for every one to know himself, and come as speedily as possible to carry the business into effect. Let not the least delay take place. I expect my friends immediately in order to obtain the prosperity of our country.—I have, &c.,  
(Signed) G. J. RUDOLPH, Commandant.

[A true copy from the original, made by myself literally.—(Sgd.) G. D. JOUBERT.]

## LORD STANLEY TO SIR GEORGE NAPIER, K.C.B.

Downing-street, 21st May, 1843.

Major-General Sir G. NAPIER, K.C.B., &amp;c., &amp;c.

SIR,—With reference to former correspondence respecting the proceedings of the supercargo of the Dutch vessel "Brazilia" at Port Natal, I transmit for your information and guidance the copy of a letter from the Foreign Office, covering a copy of a further communication on the subject from Her Majesty's Minister at the Hague.

You will perceive that Sir Edward Disbrowe states that, besides Smellekamp, the supercargo, the "Brazilia" carries out with it another agent, Martino, a schoolmaster, who is to reside at Port Natal.

In the event of the "Brazilia" returning to Port Natal, you will take the proper steps for preventing Martino, or any party connected with the vessel, from establishing themselves at that port.

The law relating to aliens under the former Dutch colonial



system will probably invest you with sufficient power for that purpose; but if the law on this subject should appear to you to be doubtful, the local Legislature will have the power of making it clear.—I have the honour, &c.,

(Signed) STANLEY.

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### DESPATCH FROM EARL CANNING.

[Confidential.]

Foreign Office, May 11th, 1843.

JAS. STEPHEN, Esq., &c., &c.

SIR,—I am directed by the Earl of Aberdeen to transmit to you a copy of a despatch from Her Majesty's Minister at the Hague, relative to the proceedings of the supercargo of the Dutch vessel "Brazilia" at Port Natal; and I am to request that you will lay the same before Lord Stanley for his Lordship's information.

I have the honour, &c.,

(Signed) CANNING.

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### DESPATCH FROM HER MAJESTY'S MINISTER AT THE HAGUE.

The Hague, 5th May, 1843.

The Earl of Aberdeen.

MY LORD,—M. de Kattendyke in his letter of 4th November, 1842, stated: "Lorsque inopinément, il y a six jours, des communications et des ouvertures, datant du mois d'Avril dernier, furent faites au Roi et au Gouvernement Hollandais."

I was naturally anxious to learn to what this phrase alluded; and although I could not expect that a petition from the Boers, submitted in confidence to the King of the Netherlands, would ever be given up to me as a document on which to found criminal charges, I was in hopes that I might be allowed to read it.

This request was not complied with; but I am enabled to state that, some months ago, soon after the return of Mr. Smellekamp to Europe, Mr. Ohrig, the writer of the pamphlet on Port Natal affairs, went to the King to speak to him on that subject. His Majesty desired that whatever he had to say should be put into writing, which was done.

In this letter, Mr. Ohrig claimed the National protection on behalf of his fellow-subjects, who had thrown off the oppressive yoke

of Great Britain, and had retired beyond the limits of the British colony. He stated himself to be acting as their agent, and placed them under His Majesty's protection, talking of the glory which would accrue to the King if he re-established a colony for the mother-country in that distant land, &c., &c.

The King, after reading the petition, told his Minister: "I will do nothing of the sort. The Cape of Good Hope was ceded by treaty, and I will in no ways interfere;" and ordered his determination to be made known to me at once. It is to this M. Kattendyke alludes in speaking of the intelligence lately received.

On strict enquiry made at Amsterdam, I am convinced that everything has been done by the Government to discountenance interference; and the undertaking has no support from the great houses of commerce at Amsterdam. But, besides the moral support it receives—connection with the Cape being kept up by the education of the young men at Leyden—it also receives some countenance from a society known as the "Diligentia," composed of aged merchants who have a recollection of their connection with the colony when Dutch; but they are not enterprising enough to advance capital for such an undertaking: and I think it of little importance. It is, therefore, not quite clear where all the money that has been spent comes from. Klein & Co. cannot furnish it; and Ohrig and the Widow G. H. van Keulen, and Smellekamp, whose names alone appear in the transaction, are not persons of wealth, and no loan has been obtained on the proposition in the pamphlet. All I can add is, that Smellekamp has a small house of commerce at Paris, to the ostensible business of which he does not attend, but it keeps up his connection with certain parties in that capital; and the enterprise seems to have been first set on foot soon after the treaty, of 15th July.

The "Brazilia," besides Smellekamp, the supercargo, carries out with it another agent, Martino, a schoolmaster, who is to reside at Port Natal.

The ship "Brazilia," in addition to the Dutch national flag, carries the flags of the cities of Amsterdam and Rotterdam, with the No. 605 on it as a private signal. The flag is red, with white numbers, and a white anchor at the upper neck of the flag.

Another pamphlet, besides the one your Lordship sent to me, has been prepared, with drawings of the settlement at Port Natal, views, &c., *ad captandum*.

It sets forth the claims of the Boers to independent jurisdiction.

It shows the probability of Port Natal being shortly opened to the commerce of all the world, the great advantages to be derived to Holland in particular, and to all Europe from this circumstance. This pamphlet, while pretending to appeal to the public, is not in circulation in this country; but it is not impossible that it may be on board the "Brazilia" now.—I have the honour, &c.,

(Signed) E. C. DISBROWE.

### DESPATCH FROM SIR GEORGE NAPIER

TO THE RIGHT HONOURABLE THE LORD STANLEY, SECRETARY OF STATE.

Government House, Cape of Good Hope,  
27th May, 1843.

MY LORD,—I had the honour, on the 23rd ultimo, to receive by Mr. Montagu, the Secretary to this Government, your Lordship's despatch No. 186, of the 13th December last, relative to the Port Natal territory; and at the first meeting of the Legislative Council I laid before that body, and thereafter published for general information, a Minute, of which a copy is enclosed, embodying the benign and liberal intentions of Her Majesty's Government in regard to her heretofore misguided subjects who have emigrated to and are now resident in that country.

I subsequently published a Proclamation, of which a copy is herewith transmitted, entering more into the details of Her Majesty's gracious instructions to me on this most important subject, in which I endeavoured, with the assistance of the Executive Council, to lay as clearly and fully as possible before the public the intentions of Her Majesty's Government, for the information of the colonists as well as of the emigrant farmers. I trust that these documents while giving a correct view of your Lordship's despatch, will be found to be sufficiently cautious and guarded, it having been my anxious study not to excite too great hopes or expectations, nor to bind Her Majesty's Government to conditions which might have the effect of increasing the difficulties and embarrassments which already surround this question, nor to promise boons which might hereafter not be recognised as coming within the instructions which I have had the high gratification to receive from your Lordship.

This announcement of Her Majesty's gracious intentions has been received throughout the colony with feelings of entire satisfac-



tion and sincere gratitude, as evincing the kind and affectionate interest which Her Majesty entertains for the welfare and happiness of her colonial subjects; and I trust that a most salutary influence will thereby be produced on the minds of the emigrants, and bring them to regard the British Government with those feelings of affection so essential to their own prosperity and wellbeing.

I have now to report to your Lordship the steps which I have taken in order to carry your instructions into execution in the most effectual manner, and to state the grounds upon which I have selected Mr. Henry Cloete, one of the unofficial members of the Legislative Council, as the person best qualified for the duties of Her Majesty's Commissioner.

From the confidential communications I have had with Mr. Montagu in regard to the appointment of a Commissioner, I am led to infer that your Lordship is aware that I should have great difficulty in finding an individual who, in addition to the abilities and knowledge necessary for the office, should possess also the confidence of the emigrants, it being in my opinion essential to the success of the mission that the Commissioner should be acceptable to them.

I will not take upon myself to tell your Lordship that Mr. Cloete possesses all the qualifications which I could wish the person, to whom such important and delicate negotiations are to be entrusted, to possess; but after much consideration I believe that he will be found to have a greater number of the essential qualifications than any other person in the colony.

He is a member of one of the most respectable Dutch families in the colony; he was educated in England, and is sincerely attached to the British Government. From his position as a member of the Legislative Council, and his standing at the bar, he possesses great influence among the emigrant farmers, to many of whom he is either personally known or has been in some measure brought into correspondence with in the course of his professional duties. He is intimately acquainted with the habits, customs, and feelings of his countrymen, and enjoying that authority among them which his knowledge of the laws under which they lived naturally gives him. I doubt not but, from feeling a confidence in him, they will be prepared to apply to him for information, and to adopt his suggestions in regard to the institutions under which they will hereafter be placed.

To these qualifications, Mr. Cloete adds a kindness of disposition and a frankness of manner which will increase his influence among

the emigrants; and as the universal satisfaction with which his appointment has been hailed by all parties in the colony will be by various channels communicated to Port Natal, I feel satisfied that a very material step towards facilitating the arrangements has been gained.

In further proof of this feeling of satisfaction, I may state that in a letter which I have received from the Lieutenant-Governor on the subject, His Honour remarks that my choice of a Commissioner is "very good, as you could not have found a person in every respect better qualified for the important office assigned to him."

In the instructions which I have issued to Mr. Cloete, of which I also beg to enclose a copy, I have taken care to be very clear and stringent on those points where I deemed it most likely that, from want of sufficient firmness, he might be led into too great concessions; and I warned him, in presence of my Executive Council, to be very guarded on all questions regarding the lands, as on those points, in all probability, he would be much pressed to give a definite answer.

I need scarcely point out to your Lordship that some considerable expense will be incurred in this mission, as I could not in justice offer Mr. Cloete less than what he stated to me to be the amount of his private practice, which he must sacrifice for a time. I have therefore sanctioned his receiving £100 per month, and an allowance of £1 per day for the travelling expenses and maintenance of himself and his clerk, to whom I have assigned an allowance of £20 per month, it being quite impossible for Mr. Cloete to get through his correspondence unaided by a person conversant with the English and Dutch languages. To this office Mr. Cloete has appointed Mr. Buissinne, an attorney in Cape Town, of whose qualifications he speaks in very favourable terms.

I have in addition to this, and for the reasons set forth in the accompanying copy of a letter to the Secretary to Government, authorised him to expend £150 in the purchase of such articles as, being required by him, are not to be obtained at Port Natal, and of presents to the natives.

For these items I have to request your Lordship's sanction and authority; and I can state from my own knowledge, in regard to the expense of travelling in this country, and from a comparison of the expenses of the Judges while on circuit, that the allowances I have issued to Mr. Cloete are very moderate, and the remuneration assigned to him is very reasonable, when it is considered he has to

maintain his establishment and family in Cape Town, and sacrifice his professional business and personal comfort in an arduous and laborious mission.

Mr. Cloete, having procured a passage in Her Majesty's ship "Cleopatra," sailed for Port Natal yesterday morning.

I have the honour, &c.,

(Signed) GEO. NAPIER.

COMMANDANT H. STEYN TO MR. F. HEVER.

Erven Valley, 4th June, 1843.

SIR,—I have to request you will be pleased to order as many persons as you may be able to procure for the commando to Pietermaritzburg, agreeably to a letter which I have received from thence, to the effect that the Dutchman is lying in the bay there, and cannot come on shore, in consequence of Smith having made the Kafirs post themselves along the harbour to prevent a landing. The time has now arrived for us to assist each other. You will also receive a letter from behind the mountain, which you may read yourself. Order also slaughter cattle, as well as horses, and as many wagons as may be sufficient for all. They must provide themselves with ammunition, for which they will be compensated hereafter. They must assemble at Mr. Snyman's on the 13th instant.—I have, &c.,

(Signed) H. STEYN, Commandant.

[A literal copy from the original, made by myself.—G. D. JOUBERT.]

F. Hever did not comply with the letter, but gave it for perusal to his friends.

THE HON. H. CLOETE TO THE HON. J. MONTAGU,  
SECRETARY TO GOVERNMENT.

Port Natal, 5th June, 1843.

SIR,—Agreeably to the tenour of my instructions, I left Cape Town on the 21st of May last, in order to proceed on my destination the next day from Simon's Bay, in Her Majesty's corvette "Cleopatra."

The accidental arrival the following night of Her Majesty's frigate "Isis," from the Mauritius (in which the purser of the "Cleopatra" had been temporarily employed), rendered a delay of three or four days unavoidable, in order to survey the stores in both



vessels, in consequence of which detention we did not finally sail from Simon's Bay until the 26th ultimo., and arrived and safely landed this morning at the military station at Port Natal. I avail myself of the schooner "Conch," lying here ready for sailing, to convey to His Excellency that I have been received with every mark of respect and attention by Major Smith and the officers of this station, and that I propose to proceed the day after to-morrow to Pietermaritzburg, where I have called a public meeting of the emigrant farmers and others resident within the territory of Natal, in order formally to communicate to them the purport of His Excellency's Proclamation of the 12th May last, in conformity with the instructions of Her Majesty's Secretary of State.—I have the honour, &c.,

(Signed) H. CLOETE, H.M. Commissioner.

MAJOR J. C. SMITH TO SIR G. T. NAPIER, K.C.B.

Port Natal, 6th June, 1843.

SIR,—By the arrival of H.M.S. "Cleopatra," on the 5th instant, I received copies, both in English and Dutch, of your Proclamations of the 10th and 12th of May, together with a Government Notice of the same date in connection with the latter document.

All these I have caused to be disseminated as widely as possible.

I have also the honour to acknowledge the receipt of your communication of the 19th May, on the subject of the farmers "levying certain duties on goods carried inland," and shall take care, in accordance with your instructions, "not to interfere with them should they resort to such a measure."—I have the honour, &c.,

(Signed) J. C. SMITH, Major.

J. BODENSTEIN TO THE HON. H. CLOETE.

Pietermaritzburg, 9th June, 1843.

SIR,—We have this morning learned from you the cause of your presence here. We have been desired by the community (algemeen) to postpone the meeting of the Council (Volksraad) to the first Monday in August next, in order to summon all the members of the Council, and the public residing on the other side of the Draakberg to attend at this place on that day.

By order of the Committee Board,

(Signed) J. BODENSTEIN, Secretary.

## THE HON. H. CLOETE TO MR. J. BODENSTEIN.

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Pietermaritzburg, 10th June, 1843.

SIR,—In reply to your letter of yesterday's date, addressed to me by you as secretary, in the name of the Committee Board, I have complied with the order given to me formally to publish and explain to the public here the Proclamation of His Excellency the Governor of the 12th of May last. I leave it to the Committee Board to convene or postpone the meeting of the Council until such time as shall appear most expedient for the public welfare.—I have, &c.,

(Signed) H. CLOETE, H.M. Commissioner.

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## MAJOR SMITH TO SIR G. NAPIER, K.C.B.

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Port Natal, 10th June, 1843.

SIR,—Yesterday evening, Mr. Walker, a respectable inhabitant of Natal, waited on me and stated that, having just returned from Pietermaritzburg, he deemed it his duty to make known to me the circumstances which had occurred during his stay.

Great excitement, he informed me, took place on the various proclamations (including the Commissioner's notice of a public meeting for the 9th instant) reaching Pietermaritzburg.

The Dutch flag was publicly exhibited, and in a short time a number of farmers arrived in town from the vicinity, when the Raad were immediately assembled.

During the meeting, a paper was drawn up declarative of their not being British subjects, and this was signed very soon by upwards of 130 persons. Many women, he added, addressed the assembly, and nothing could exceed the excitement which prevailed.

On his return from Pietermaritzburg, on the 8th instant, he met Mr. Cloete, to whom he made known the above intelligence.

Such is the substance of what Mr. Walker communicated, and I think it right to transmit it to you, although I cannot vouch for the accuracy of its details. They are possibly exaggerated; and I shall look anxiously for a letter from Her Majesty's Commissioner, whose presence at Pietermaritzburg will, it is to be hoped, be the means of allaying these disloyal manifestations.—I have the honour, &c.,

(Signed) J. C. SMITH, Major.

THE HON. H. CLOETE TO THE HON. J. MONTAGU,  
SECRETARY TO GOVERNMENT, CAPE OF GOOD HOPE.

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Pietermaritzburg, 10th June, 1843.

SIR,—Immediately on my arrival at Port Natal, on the 5th instant, I caused notices to be circulated about the port, and copies thereof to be forwarded to this place (Pietermaritzburg), to the effect that a public meeting was convened by me to be held here on Friday, the 9th, following, in order formally to announce to the emigrant farmers and others the general amnesty as granted by Her gracious Majesty, and the conditions upon which Her Majesty had been pleased to take the inhabitants under British protection, and adopt the territory of Natal as a British colony.

I was the more induced to hasten this public meeting and announcement, as I was informed by Major Smith that considerable excitement appeared to exist at this place, connected in some degree (as he believed) with his having refused the master and supercargo of the Dutch schooner "Brazilia," which had again made its appearance on this coast, communicating with any of the inhabitants; and that a public meeting was to be held on that, the day of my arrival at Port Natal.

After visiting the country about the port, I left on the 6th, and arrived here on the 8th, when I was received about a mile from Pietermaritzburg by Mr. Zietsman (the present landdrost of the town), Mr. Boshof, and three or four other private persons. In the course of that evening and the following morning, some respectable inhabitants called upon me, and assured me that my presence was hailed by them with much satisfaction; although, from the few words that fell from them, it was very evident that great excitement prevailed among them, and that some direct or indirect opposition might be anticipated from a few violent and disaffected persons, who seemed inclined to throw some impediments in my way.

I, however, determined, agreeably to the notices which had been publicly circulated here, to hold the meeting which I had announced, and proceeded on the following day (yesterday) to the Court-hall, where arrangements had been made by the landdrost (Mr. Zietsman) for my addressing the public meeting. Some four or five hundred persons being there assembled, I formally communicated and fully expounded, in a manner and language most suitable to the majority



of them, the substance of His Excellency's Proclamation and Minutes in Council.

After having been listened to with perfect patience and attention, during a discourse of some length, I was about to quit the chair, when one of the inhabitants, Anthon Fick, addressed me, stating that a public meeting had been held here a few days ago (under the sanction of the Volksraad), which had passed sundry resolutions, which he (as chairman of that meeting) had been desired to communicate to me, and which he was anxious publicly to do.

This I, in the first instance, declined; but finding the meeting assume an appearance of clamour—and, in fact, all egress from the room being prevented by the great concourse of people (both male and female) which had choked up every passage—and further considering that perhaps such a transient ebullition of feeling might best expend itself in such a manner, without leading to a lengthened and violent written correspondence, I allowed the resolutions to be read, under the condition that the language thereof should be becoming and decorous, and such as I could allow; and that if so, no further notice of their contents would be required of me. Upon this proviso, the spokesman began reading a series of resolutions reprobating the injustice and cruelty of preventing the master, supercargo, and passengers of the "Brazilia" landing at Port Natal, and expressing that they should not communicate with Her Majesty's Commissioner until they had seen the supercargo of that vessel, Smellekamp. The spokesman further proceeded to read a long petition which had been laid before the meeting (of which he had been chairman) by some females, which document gave a long and pathetic detail of the sufferings and miseries of the emigrant farmers, and was about to appeal to the feelings of the public not to recognise my authority. This I instantly stopped, stating that I should not for a moment tolerate such language, and I put an end to all further communication with the meeting, but would only state, with regard to the refusal to admit the master, supercargo, and passengers of the "Brazilia" to land, that it was self-evident, from a comparison of dates, that His Excellency on the 4th of May last first publicly announced in Cape Town the determination of Her Majesty in regard to this territory, while they knew that the "Brazilia" had arrived at Port Natal on the 8th: that it was therefore impossible that Major Smith could have been aware of the entire change of policy to be observed touching this territory; and I fully explained to them the grounds upon which Major Smith had con-

sidered himself bound to resort to the measure which he had adopted : and with this explanation I withdrew from the meeting.

I have since been informed that, after my quitting the hall, some members of the Volksraad and other influential persons addressed the inhabitants, and effectually soothed down the unquiet spirits which had been worked up for the occasion, and had acceded to another public meeting, to be convened for the first of August next, of which they have given me a written notice.

From the various circumstances which have come to my knowledge within these few days, and from the state of parties in which the community is divided, I have come to the following conclusions, which I deem it my duty thus early to impart for His Excellency's information and guidance, viz. :

First. That any actual attack, or combined and open outbreak and collision with Her Majesty's troops is not for a moment to be apprehended.

Second. That there, however, does exist a very violent anti-British party, consisting of the very lowest order of the community, headed by some persons who bore the very worst description of characters within the Colony of the Cape of Good Hope, who seem to have a powerful influence over the ignorant and ill-informed, and seem inclined to urge them on to every indirect act of opposition or resistance to Her Majesty's Government.

Third. That although such proceedings are strongly reprobated and discountenanced by the well-informed and respectable class of the community, that these, however, seem to shrink from the odium which they apprehend will be heaped on them in the event of their coming forward openly in support of Her Majesty's Government ; that some of these, on this ground, hold back from even holding any official employment : and thus they leave the expression of public opinion to the clamour of the lawless and ignorant.

Fourth. That the latter are encouraged and emboldened in this clamour by the almost entire absence of all form or semblance of government ; that the Volksraad, constituting the legislative and executive government of the country, and which ought to consist of twenty-four members, at present only consists of seventeen ; that of these, several have been unduly elected, and are incompetent to hold offices, and consequently that those actually attending are led by any pressure or party from without : and that any law or decree emanating from them does, in fact, labour under nullity.

From such a state of things, almost bordering on anarchy, I

cannot but apprehend considerable difficulties in the execution of the trust imposed upon me ; while it will afford me unfeigned satisfaction to be able hereafter to qualify the unfavourable impressions at present created in my mind. But a more settled and firm government appears to me to be immediately required to support the well-affected and to depress the evil-disposed.—I have the honour, &c.,

(Signed) H. CLOETE, H.M. Commissioner.

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P.S.—12th June, 1843. As instances of the spirit at present prevailing here, and of the utter inefficiency of any fixed government, I take leave to mention that, after writing my foregoing letter on Saturday last, in visiting the various parts of this new town, I found the Dutch flag displayed from two houses—the one occupied by a cooper, of the name of Greybe, and the other belonging to Gert Rudolph, the present military commandant; and I was further informed that these flags had been displayed during the previous days. In expressing to Mr. Zietsman, the landdrost, my regret that such a silly display of opposition to Her Majesty's Government should be thus publicly exhibited, he stated that he could not prevent any such act being committed by any private individual on his own land, but that he would prevent its being done on any public property ; of course, I cannot take any further notice, nor does it perhaps require it.

I have also this day received the intelligence that letters had been transmitted by the same Commandant Rudolph, directed to the landdrost or functionary beyond the Draakberg, requiring him to despatch two hundred men here with all the powder they could muster. I attach little weight to these reports ; for it appears, from a comparison of dates, that these letters were written immediately after the intelligence had been received that permission had been refused to Smellekamp to come up here. It seems quite inconceivable, yet it is more and more confirmed to me that very many still cling to the belief that this schooner was to bring them hope of support from Holland ; and it will require weeks and months before I shall be able sufficiently to mix with the people to expose the folly of such a belief.—(Signed) H. CLOETE.



MR. M. A. OBERHOLZER TO THE CIVIL COMMISSIONER,  
MR. F. RAWSTORNE.

[Translation.]

Riet River, 14th June, 1843.

SIR,—On the 16th May a meeting was held at Upper Riet River by John Vermeulen, landdrost at Windberg, with five of their commandants and a number of fieldcornets. I was urgently requested to attend with some of my people, but refused.

On the 20th May I received two letters—one to myself, the other to my people—wherein we saw that our community at Riet River was totally annulled, with threats that if in future we should hold any meetings relative to our affairs, they would then come with an armed force to attack us, and would put us to death.

Upon this I have resigned my post as commandant over the emigrants at Riet River, since we are not able to resist their force; and hereupon I make known to you that, although we are now under constraint by their force and violence, yet we remain still hoping and trusting in the Government, and we earnestly beseech your favourable construction.

I most humbly beseech you to keep the contents of this letter secret, both as regards speech, and still more that nothing should appear in the public prints, as it might endanger our lives.

If you should at any time find it needful to write, I request you will avoid doing so by an express, but will use the utmost circumspection, so that it shall not appear that there is any intercourse by letter between us—as I repeat, that my life depends on it.

Excuse this short communication, and think well of us.

I have the honour, &c.,

(Signed) M. A. OBERHOLZER.

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EXTRACT FROM A LETTER

DATED PORT NATAL, JUNE 16, 1843, DIRECTED BY MAJOR SMITH TO THE  
HON. H. CLOETE, H. M.'s COMMISSIONER FOR NATAL.

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“On the subject of our conversation respecting custom dues, I wish to say a few words. Looking again over His Excellency's letter to me and your instructions, I feel strongly inclined to think my first view was right, and that it is not intended the farmers should levy them at Natal, but merely upon such goods as proceed

from hence to the interior, as they originally propose. His Excellency's letter to me seems clear on this subject; neither do I think the passage in your instructions contravenes the view I take—but, of course, it is a matter on which different judgments may be formed. I mention it, however, because it appears to me that giving the farmers permission to collect duties at this port (where, by the way, it could scarcely be considered as a local assessment) would be sure to lead to inconvenience, and perhaps collision; for persons residing here might refuse to pay a second duty on goods for which the colonial import duty had already been levied at the Cape; and in that case, how could it be enforced? The person deputed by the farmers would probably appeal to me; but, in the present posture of affairs, I do not well see how I could compel payment or permit the farmers, by their officers, to do so. I have other reasons which I think strengthen my opinion on the subject; but as you propose being down here early in next month, I will abstain from communicating them at present."

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#### LETTER FROM GERMAN RESIDENTS.

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Pietermaritzburg, 17th June, 1843.

To the Hon. H. CLOETE, LL.D.,

H.M. Commissioner for Natal, Pietermaritzburg.

SIR,—Forced by the present unsettled state of this place, we take the liberty to intrude upon your valuable time in stating that certain excesses, although in a small degree, having taken place yesterday, and continued threats endangering our lives and property being held out—not alone to us, Germans, as British subjects, but to all others who profess a good feeling towards and acknowledge their allegiance to the British Government.

These threats, we are convinced, will be carried into effect upon the first occasion offering; and being assured that no redress will be obtained from the present local Government from its want of physical force, and being aware of the losses sustained by certain parties here on a former occasion, that no redress has hitherto been obtained, although applications have been repeatedly made to Her Majesty's Government, we feel ourselves in duty bound to call upon you, as the representative of the British authority in this place, to afford us sufficient protection for securing our lives and property; and at the

same time we request you will be pleased to advise us what line of conduct to pursue in the event of such threats being carried into execution, which we more particularly dread on your leaving here.

We have the honour to be, Sir,

Your most obedient servants,

(Signed)	ADOLPH COQUI,	H. HAVEMAN,
	ERICH LANDSBERG,	C. H. HEINE.
	JOSEPH HANSMEYER,	

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F. RAWSTORNE, C.C., TO THE ACTING SECRETARY,  
GRAHAM'S TOWN.

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Civil Commissioner's Office, Colesberg,

17th June, 1843.

SIR,—I received intelligence early in the present week that the armed party of emigrants assembling at the Caledon River (at Kryno's place) had already departed for Pietermaritzburg; but as I could not obtain any certain or probable estimate of their number, I forbore to make any special communication on the subject. I am as yet in the same uncertainty, having received no further intelligence either as to the extent or object of this movement. I am happy to state, however, that none of the emigrants, friends to Government (from whom the first report of these proceedings was received), have yielded to the requisitions made them for personal or other assistance, and that as yet no attempts have been made against them as threatened.

From Mr. Oberholzer, at the Riet River, I have this day received a letter, which I enclose, with a translation. From this document will be seen the state of alarm and apprehension in which the adherents of Government are held by Mocke and his party. By the resignation of Oberholzer as head of the party at the Riet River, and as it appears the acquiescence of the emigrants under him in the restraint put on their proceedings, it is to be feared that all distinction will soon cease to be apparent between this body of emigrants and the rest, who seem so determined to assert their independence; hence the early interference of Government seems requisite.

A son of Oberholzer who brought the letter informs me that he (the son) had been one of those commanded for Natal by one Oosthuisen. The object, he understood, was for the protection of the emi-



grants there against Panda and his Zulus. The commando, as he believes, had not quitted Modder River on Thursday, the 15th instant, but he thinks is now gone. He can make no estimate of their number.

From one Van der Merwe, who is also from Riet River, I have received information in every respect corroborative of Oberholzer's letter. From his accounts, however, it would appear that the command for proceeding to Natal had been, in some cases, but little attended to. One fieldcornet had only been able to collect five persons for that purpose. He also states a report that the commando had been countermanded in consequence of Panda's having asked for peace.

I have not been able to obtain any further tidings relative to Mr. Bertram.—I have the honour, &c.,

F. RAWSTORNE, Civil Commissioner.

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F. RAWSTORNE, C.C., TO THE ACTING SECRETARY,  
GRAHAM'S TOWN.

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Civil Commissioner's Office, Colesberg,  
18th June, 1843.

SIR,—Since writing my letter of yesterday's date, I have been furnished by Field-commandant Joubert with the enclosed copies of letters—the one from Rudolph, the present head of the emigrants at Pietermaritzburg; the second from H. Steyn, a commandant near the Caledon, which show the views and object of the present movement of the emigrants towards Natal.

Mr. Joubert informs me that he has learnt that only eleven persons assembled at Kryno's on this occasion, with whom he (Kryno) set off for the general rendezvous at Modder River. Kryno was to return immediately from thence: and he had threatened to drive into the colony on the 23rd instant all who have refused to comply with his summons; but it is doubted if he has any authority for such a menace.

From information which Joubert received from one Piet Pretorius, now travelling from Pietermaritzburg to Graaff-Reinet, he draws unfavourable conclusions as to the disposition of the majority of the emigrants at Pietermaritzburg to accept of the gracious offers of the Government, as conveyed with the Commissioner, the Honourable Mr. Advocate Cloete.—I have the honour, &c.,

(Signed) F. RAWSTORNE, Civil Commissioner.

THE HON. H. CLOETE TO THE HON. J. MONTAGU,  
SECRETARY TO GOVERNMENT.

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Pietermaritzburg, 19th June, 1843.

SIR,—Since I addressed to you my last letter of the 10th instant, every circumstance that has occurred in and about this place has tended to confirm the opinion which I then expressed, and to induce me strongly to urge upon His Excellency the adoption of some determined measure to meet the extraordinary and anomalous situation of affairs here surrounding me.

Agreeably to my intimation in my last, I issued a public notice on the 12th instant, calling upon all occupiers of erven or lands in this town and its vicinity to give in their claims, either in person or in writing, until the 30th instant. Anticipating some difficulty in its circulation, I caused two copies to be prepared—one of which I had affixed at the premises occupied by me, and the other I delivered to Mr. Zietsman, the landdrost, who engaged to have it stuck up at the court-room.

On the same evening a deputation waited on me, consisting of three members of the Volksraad, requesting me to allow the notice to be withdrawn, upon the ground of the excitement it had occasioned.

I availed myself of that opportunity to endeavour to impress upon their minds the absurd and suicidal course of policy they were pursuing, and that whatever they might do with the copy I had furnished the landdrost, I should not only not withdraw the notice, but urged upon them to explain to every person the benevolent object of Her Majesty's Government.

They appeared to quit me satisfied; but I was informed that on the following day a meeting took place of some of the members of the Volksraad, after which the copy of my notice which I had forwarded to the landdrost was withdrawn. On the same evening, the copy which I had caused to be stuck up at my premises was defaced and besmeared, so that I was compelled to have another copy affixed, over which I have since had a guard to watch.

This notice, being placed on a spot where weekly public sales are held, and adjoining a shop of the greatest resort, has been very generally read, and its purport sufficiently thereby intimated to the public; although up to this moment only ten persons have brought in their claims to their town lands. Several of these have even

intimated that they were afraid that it should become known that they had done so; and every otherwise well-disposed and respectable person is in fear of calling upon or visiting me, dreading personal violence, which has actually been committed upon the premises of one individual, who was supposed to stand neutral, but whom I had not yet seen or spoken to.

In conversing with Mr. Zietsman upon this state of affairs, he has frankly admitted to me that his authority is not only subject to and under the control of the Volksraad, or a committee thereof, who may at any time undo any order emanating from him, but even that in the execution of his authority he is utterly powerless, the whole of his civil force consisting of one man of colour, who combines in his person the situations of gaoler, constable, and overseer of convicts; so that, although he is authorised and directed to take into custody any person committing any brawl or public offence in the public streets, he has not even the power to do so.

I have been further credibly informed that one Gert Rudolph, who is the present commandant of the militia (a bold and daring person), had before my arrival here forwarded letters under his signature to the inhabitants of the Northern Districts to come here in arms; and he left this place on Monday last, without giving any notice to the landdrost (as he is bound to do by his instructions), and is gone to the northward to organise or stir up some movement.

It is, then, evident that in such a state of things, without even adequate protection, it will be impossible for me at the present to carry through the further duties of my mission at this place, or to the northward (where, I am credibly informed, the same spirit of passive resistance prevails), without some effectual support, or the means of 'calling in that aid; and having fully weighed the present state of the country, in order to save the people from themselves, to give support and encouragement to the well-disposed and wavering, and to impress the ignorant and the lawless with the power and determination of Her Majesty's Government to carry through the measures once proclaimed, I take leave to submit for the information of His Excellency the following suggestions, which appear to me to be imperatively called for by the position of the country, the character of the disaffection of the people here, and their hitherto manifested disposition:—

First. I propose that His Excellency should appoint Mr. Johan Philip Zietsman, upon his taking the oath of allegiance and of office



before me, to the office of Landdrost and Chief Magistrate for the district of Natal. This suggestion is offered on the following grounds:—Mr. Zietsman, from the first moment of my arrival, has shown me every attention, and given me every support that I could expect from the situation in which he is placed. He has been uniformly a steady supporter of Her Majesty's Government; he holds the present office by the voice of the people, and his appointment will appear, therefore, only as confirmatory of the public opinion. He is already in possession of all records, &c., of office, and his temporary or provisional appointment will only convince the people of the desire of Her Majesty's Government to confer offices on, together with the disposition to select from among them, such persons as may be qualified and proper subjects.

Secondly. I propose that His Excellency may order a detachment of two hundred of Her Majesty's troops, with two field-pieces, to advance to and take possession of a commanding hill at the western side of this town, and that a proclamation may be transmitted to me to be issued at the same time as the advance of the troops, stating that the landdrost or chief magistrate was authorised to call in the aid of Her Majesty's troops in any case of emergency.

This measure will at once convince the unruly and disorderly spirits hovering about there of the determination of Her Majesty's Government to adopt and take possession of the territory. It will be the only means of strengthening or supporting the civil authorities, and of saving the country from acts of outrage and violence, which I fear are not unlikely to occur in the midst of the unbridled passions now still so strongly excited. Such an advance, I am confident, might take place with perfect safety, even with the limited force at present stationed at the port, as I hear that all along the coast line, and more particularly about the port, one universal feeling of satisfaction prevails at the change about to take place.

The justice and fairness which the inhabitants have there experienced from Major Smith, and the advantages which they have derived from an intercourse with the military, have made them hail with satisfaction this great change in their situation. They are here branded as traitors and Englishmen, and the smallest detachment there supported by the "Fawn" would, in my opinion, be sufficient for the protection of the Point.

On these matters, however, I venture my opinion with diffidence; but I feel none in strongly urging the necessity of the two plans

above proposed, which are imperiously called for by everything I see around me.

Although from the tenor of His Excellency's instructions, "authorising me to call upon Major Smith to co-operate with me if any necessity should arise," I might perhaps under the critical situation of affairs here have been justified in calling in that aid. I have purposely refrained from doing so, firstly, as there appeared to me not to exist that urgent necessity to render it imperative immediately to call in this aid; secondly, as it may be possible (although I do not think it probable) that this excitement may still subside and die away; but lastly, and principally, because I am anxious that the military co-operation should be accompanied by such an accession to the civil authority as will tend to deprive this advance of troops of the semblance even of a mere military or hostile movement, and that it should be announced as a mere aid to the civil power.

Awaiting His Excellency's further instructions on these matters (as also on the suggestion contained in my last), I take the liberty of submitting for his determination a little difference which has arisen between Major Smith and myself in the interpretation of His Excellency's instructions, upon which we are both desirous to obtain a more explicit direction.

In discussing with Major Smith, previous to my leaving the port, the various topics of His Excellency's instructions to me, Major Smith expressed a doubt whether that part of my instructions which express "that the Commandant should not interfere with the emigrants should they see fit, for carrying on their temporary government, to impose duties upon goods landed at Natal and carried into the interior, as such imports," &c., would warrant the Volksraad to levy such duties at Port Natal.

From these words, Major Smith seems to infer that he is only to allow such goods to be subjected to any duties as shall be taken from the port of Natal to the interior, but that the farmers are not to levy them at Natal. I take the liberty of annexing an extract from Major Smith's letter to me, dated the 16th instant, so as to give the Major's opinion on this subject in his own words.

I confess that I have not been able to bring my mind to the same conclusion, on the following grounds:—

I do not find in His Excellency's instructions, proclamation, or in Lord Stanley's despatch any difference is made between the port and the territory of Port Natal.

If the Volksraad or any other authority be recognised, that

authority of necessity extends over the whole of the territory. Goods, therefore, landed must be subject (if at all) to such duties or customs as are to be levied for the benefit of the whole of the community; and I cannot see the justice, or even the practicability, of allowing goods to be landed at the port free from duty or customs, but to be subject to such an impost the moment they are put on wagons to be taken into the interior; and whatever duties or customs the Volksraad may hereafter levy, if their authority extends to the port and the inhabitants thereof, they are surely entitled to levy duties binding upon them as well as upon the inhabitants of the other districts of the country. In short, I had conceived from the tenor of my instructions that all interference on the part of the Commandant of the troops should cease the moment customs or duties were levied by any civil authority. From the singular course, however, pursued by the Volksraad, I have had no communication with them on this subject, and I am therefore happy that this diversity of our opinions should be submitted to His Excellency for decision before the levy of any duty or custom takes place.

The satisfaction with which the adoption of this territory has been hailed by all the inhabitants of Port Natal, and along the coast lines, will induce me to devote all my attention and time to the inspection of all farms and lands in that neighbourhood during the interval which must unavoidably elapse before I receive His Excellency's further instructions on the important subjects submitted for his consideration in this and my preceding despatch.—I have, &c.,

(Signed) H. CLOETE, H.M. Commissioner.

P.S.—Since writing the above, I have received a letter from some respectable and well-disposed German residents here, dated the 17th instant, a copy of which is annexed, which fully confirms the views I have submitted of the present state of affairs at this place.—(Signed) H. CLOETE.

THE HON. H. CLOETE TO SIR G. T. NAPIER, K.C.B.

[Private and Confidential.]

Pietermaritzburg, 20th June, 1843.

SIR,—The detention of the "Mazeppa" at Port Natal affords me the opportunity of imparting the latest intelligence from this place, and I should have rejoiced if I could have been able to report that the state of excitement which I found on my arrival had some-



what subsided ; but I regret to say that I see no hope of amendment until, by the adoption of temperate but determined measures, the well-disposed part of the community shall be supported, and the lawless and unruly shall have "trekked" to enjoy their notions of liberty in the deserts of Central Africa. I now find that these unruly spirits, who I had been informed were only among the lower class of farmers, or outlaws from the colony, are strongly supported by some of the more wealthy and influential, who are violent on the subject of their lands.

The commandant, Gert Rudolph, claims no less than forty farms, the late Commandant Pretorius ten, and so several of the leading men. On Friday last a body of several of these land claimants, headed by Pretorius, called on me, stating that they were all anxious and dissatisfied on the subject of lands, as far as they understood the proclamation. They strongly urged that upon the settlement in this neighbourhood the first emigrants had obtained from the Volksraad at least two farms : and admitting that some may have subsequently obtained more, they were anxious at least to have those two, to which they maintained they were entitled.

I determined at once to put a stop to such notions, and, again and again referring to the proclamation, emphatically said that I would scorn to hold out any inducement to their getting as a right one title beyond what the proclamation warranted ; that if they had claims founded on the *bona fide* purchase of lands, or prior occupancies, but which had been abandoned by reason of the last twelve months' state of uncertainty, if such claims were respectfully brought forward in writing, they would receive an attentive consideration ; but beyond this I did not even wish to flatter them. They consequently left me more dissatisfied than ever, and I am informed, with Rudolph at their head, talk of trekking forthwith. The majority of the inhabitants of this town are, unfortunately, ignorant Boers who have just settled here during the last twelve months on account of the critical state of the country. These are gulled by Mr. Fick, Greybe, and other worthless inhabitants of Cape Town and its vicinity, and nothing can as yet take out of their heads that Smellekamp had some direct communication to them from the King of Holland.

To restore peace and quiet here, it is absolutely necessary that such obstinately ignorant persons should not be indulged in their love of freedom ; but the state of the country is such, that I fear this movement will not be unaccompanied by some acts of violence and outrage, which there is no semblance even of an authority to

repress or check. Mr. Zietsman (the only individual who has staunchly supported me and Her Majesty's Government) has already made himself so unpopular, that he apprehends the first act of the Volksraad will be (in their meeting of the 1st August) to give him his congé, when there will literally not even exist an official functionary, but lynch and club law will rule triumphant. I shall not adopt the alternative of calling in any military aid, unless a case of necessity does actually arise; but I beg to avail myself of this channel strongly to entreat of your Excellency to carry out the suggestions contained in my public despatches to your Excellency. Your Excellency may place perfect confidence in the loyalty, temper, and good sense of Mr. Zietsman: he is respected and looked up to by all the well-affected; and a provisional appointment like that, I solemnly assure you, is absolutely required to ensure safety to the lives and property of the well-disposed.

A small military detachment is equally essential to support the civil power whenever required; and with these little helps, judiciously applied, I am yet confident that Her Majesty's authority will be established without any act of outrage or violence to mark the transaction.

Mr. Zietsman's salary is only £100, and if he should hold the provisional appointment six months, £50 would be well compensated by the peace and tranquillity of the country. Although eight days have already elapsed since my public notice, only six German and four Cape emigrants have reported their claims to lands, so that I hope your Excellency will also authorise on my return to issue one more notice, "That all persons who shall fail after a fortnight to bring in their claims, forfeit all right to lands."

Without some such stimulant my little authority will not be a brief one, but will be extended till doomsday.

My public despatch has entered so fully upon those topics that I shall spare your Excellency the repetition, only hoping that your Excellency will be enabled to favour me with an answer to these suggestions as soon as possible, so as to see them carried out in the beginning of August next, when it will be seen what the wisdom or folly of the Volksraad may express.

Your Excellency will perceive from my official report that some difference of opinion exists between Major Smith and myself as to the right to be conferred upon the Volksraad to levy duties at Port Natal, as they have not been in communication with me on any subject. I am happy that the opportunity is afforded me of a refer-

ence to your Excellency. I am aware that the people at the Bay (as it is called) strongly object to such an imposition: and it appears equally unjust to me that, if this place is to be viewed as a part of the colony, any duties should be levied; still it appears to me impossible to separate the port from the territory: and perhaps some "Mezzo Termine" might be found in permitting the Volksraad, if they behave themselves, to levy some duties. \* \* \* \*

I have the honour, &c.,

(Signed) H. CLOETE, H.M. Commissioner.

### DESPATCH FROM SIR GEORGE NAPIER

TO THE RIGHT HONOURABLE THE LORD STANLEY, SECRETARY OF STATE.

Government House, Cape of Good Hope,

22nd June, 1843.

MY LORD,—I have the honour to transmit the enclosed copies of three letters from Major Smith, announcing the arrival of the Dutch schooner "Brazilia" at Port Natal, and detailing the measures which he took in consequence of that event.

I have no hesitation in saying that the course Major Smith has taken is in my opinion the most judicious which, under the circumstances of the case, could be pursued, and I have accordingly informed him that I approve of his proceedings; but it is much to be regretted that the above-named vessel should have arrived at Natal at a time when it was most essential that the minds of the people should be undisturbed by any unfounded notions of assistance or sympathy from Holland.

I am unable to say that I am in possession of any proof of the captain or supercargo having on their former visit attempted to excite the people to revolt, which would have authorised the detention of the vessel; but, at the same time, I have every reason to believe that the conversation which they held with the emigrants, who were sufficiently predisposed to imbibe feelings of a nature hostile to the British Government, had that tendency.

Your Lordship may, however, deem it advisable to call the attention of the Netherlands Government to the re-appearance at Natal of those very persons whom they had announced their inten-



tion of punishing, and to represent how injurious an effect such proceedings must have upon the interests of the British Government.

The "Cleopatra" would probably arrive within a few days of the date of Major Smith's last communication; I therefore hope that Mr. Cloete's presence will do much to allay the excitement consequent on the arrival and departure of the "Brazilia."

I have the honour, &c.,

(Signed) GEORGE NAPIER.

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MAJOR SMITH TO SIR GEORGE NAPIER, K.C.B.

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Port Natal, 24th June, 1843.

SIR,—My interpretation of the instructions contained in your letter respecting the "levying of custom duties by the emigrant farmers, for the purpose of defraying the expenses of their temporary and local government," differing in some respect from that of Her Majesty's Commissioner, I have thought it right to refer the matter to you, in order that when the taxation in question comes into operation no difference of opinion may exist on the subject. By the terms made use of in the letter I have quoted, it seems clear to me that it is intended the prohibition I had placed on their levying certain duties on goods conveyed inland to Pietermaritzburg should be removed; not that the farmers be allowed to establish an office at Natal, and demand duties on all goods landed there, whether for consumption of its residents or of those elsewhere located. On this subject, your instructions to Mr. Cloete seem equally conclusive; for it is therein stated that the Commandant will be instructed not to interfere with the emigrants should they see fit, for carrying on their temporary government, to impose duties upon goods landed at Natal and carried into the interior.

I think, therefore, after an attentive consideration of both the documents referred to, that I am justified in assuming your permission to extend no further than the levying of a duty on goods proceeding inland, in the words, that in the event of the farmers again resorting to the levying of duties on goods proceeding to Pietermaritzburg, and which I had prohibited, the prohibition should be enforced no longer.

Having written to Mr. Cloete, to express the views I entertained on the subject, that gentleman informs me he has communicated

them to you, together with his reasons for dissenting, adding a wish, at the same time, that I should transmit to you any further opinions I may have formed on the matter, "being anxious to have the point clearly settled," a desire in which we mutually concur.

What I wrote to him was merely a hurried sketch of my chief objections to another course being pursued than that which I conceived your letter indicated; and much, I think, might still be urged in support of what I have there stated.

That the levying of custom dues by the emigrants at this port will lead to many vexatious and unforeseen difficulties, I believe; and as they have no functionary here at present, it appears to me inexpedient (at least until something like order be obtained) that they should levy a rate at Natal for the support of their government at Pietermaritzburg.

Mr. Cloete observes to me that his insuperable objection to my view is that he cannot possibly distinguish the port from the territory of Natal. I wish to make no such distinction; but I can clearly understand the difference between a general duty on goods imported and an assessment of a mere local character. The right that bodies corporate possess of local taxation (and which it may be convenient the emigrants should enjoy) is delegated to them by the Government for the support of their institutions, since without it neither prosperity nor order could exist. But the duties levied at a port on goods, &c., landed from shipping are for general purposes, not local ones; and any tax the inhabitants of that port might require for its support would be drawn from other and more private sources — that is, private as regards the community at large.

To return, however, to the more immediate subject on which I have written, I would beg to add that the effect of levying a general duty at Natal (the colonial import duty being already charged) would be to enhance the price of all goods imported to a great degree, and that this increase of price would fall heaviest on those who could derive no benefit whatsoever from the revenue thence accruing. I would instance the naval and military population, and the many inhabitants who import goods with no view to their being transmitted inland.

It may be a consideration also whether it is desirable, until something like a permanent government be established, that the amount of revenue thus obtained should exceed a mere sufficiency to keep their present clumsy machinery in motion, for there is a danger of its being appropriated to evil purposes.

At this period of anarchy and excitement, the above observation seems not unworthy of notice. My sole object in thus digressing is to ascertain whether I had correctly interpreted your instructions on the subject of duties.—I have the honour, &c.,

(Signed) J. C. SMITH, Major.

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MAJOR SMITH TO SIR G. NAPIER, K.C.B.

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Port Natal, 24th June, 1843.

SIR,—Her Majesty's Commissioner for Natal will have informed you of the disloyal reception he met with at Pietermaritzburg, and of the little appearance there is, up to the present moment, of any change in the conduct of these misguided people. I merely write, therefore, with a view to making known the apprehensions that many entertain respecting the postponed meeting of the Raad, in order that you may be aware of the little confidence felt by the better-disposed in the intentions of the farmers. Whether these apprehensions be well or ill founded time can only show, but they are to the following effect:—

That the mass of the people are determined not to submit to British authority, but will move further inland, in order to be out of its reach.

That the postponement of the Raad meeting from the 1st of July to the 1st of August is merely a feint to gain time, the present moment being unfavourable for travelling, on account of a peculiar malady the oxen are subject to. That at the expiration of that period a large body of the Boers will move inland, and previous to doing so will plunder Pietermaritzburg.

Such are the views entertained by many persons with whom I have conversed—among others Mr. Coqui, who resides at Pietermaritzburg, and is therefore a better judge of the feeling of its population. Almost immediately after the postponement was decided on, the commandant, Gert Rudolph, started on a journey across the Drakensberg for the purpose, as was generally supposed, of inducing the people not to submit. On this individual's house the Dutch flag has been flying for some time past, a piece of wanton audacity I should scarcely have expected.

From a person of the name of Solomon Vermaak, who came from beyond the Drakensberg a short time ago, I learn that the people in



that quarter were aware that a Commissioner was coming to Natal, and had held several meetings in consequence.

At these it was determined not to submit to British authority, but to move further inland, so as to be out of its reach. As they intended, however, to await and abide by the decision of the Pietermaritzburg people, it is possible this mad resolution may be neutralised; that is, should a better feeling spring up in that place than is at present manifested.

Having thus detailed the information that has reached me, I beg to conclude by observing that, although I consider it my duty to bring under notice the apprehensions entertained by some of the better-disposed respecting the future, I cannot vouch for the accuracy of their views. This much, however, I may venture to add, while on the subject—that if the elements of a government are to be gathered out of the anarchy that prevails (in which every quality seemed mingled except loyalty and talent), it will be no difficult task to predict the weakness and folly of its acts or the instability of its institutions.—I have the honour, &c.,

(Signed) J. C. SMITH, Major.

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F. RAWSTORNE, C.C., TO THE ACTING SECRETARY,  
GRAHAM'S TOWN.

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Civil Commissioner's Office, Colesberg,  
26th June, 1843.

SIR,—By a letter from Field-commandant Joubert, dated the 23rd instant, I learnt that Mr. Kryno (at whose residence near the Caledon River the emigrants had assembled, and who, as stated in my letters of the 17th and 18th instant, had proceeded to Modder River for further instructions) has now returned, bringing with him orders from Vermeulen, the Landdrost of Windberg, for imposition of a fine of Rds. 50 on such as had refused to comply with requisitions for supplying wagons, food, &c., and of £100 on such as had refused to proceed to Natal in person. Such as might refuse to pay these fines to be sent prisoners to Windberg, under the influence of which threat one Jacob Straus, who resides close to the Orange River, has already paid the smaller fine.

I have not been able further to ascertain the number of persons who have proceeded to Natal, but report states it at 800.

As the gross and palpable delusion under which this movement is taking place cannot fail to be dissipated at an early period, it may be hoped that a reaction will take place, and afford a favourable field for the gracious offers of the Government; but this cannot with certainty be foreseen: and there are evidently men actively employed in exciting a spirit of resistance to the Government, under any circumstances and at all hazards.

In the meantime the influence of the Government with the mass of emigrants beyond the boundary must necessarily succumb to the active and energetic measures of the insurgents, unless counteracted by some speedy and effectual interference.—I have the honour, &c.,

(Signed) F. RAWSTORNE, Civil Commissioner.

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#### MAJOR SMITH TO SIR GEORGE NAPIER.

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Port Natal, 26th June, 1843.

SIR,—I regret to acquaint you that messengers arrived from Panda, on the 19th instant, to inform me that his brother Cucu having conspired against him, he had put him to death.

I learn from other sources that his brother's mother and wives fell victims at the same time, and that he was instigated to this act of atrocity by a fear of Cucu's increasing popularity with the Zulus. I sent an answer to Panda strongly disapproving of his conduct, and stating that the British Government could never view such acts of massacre except with feelings of the utmost detestation.

Subsequent to this, Mawa, the aunt of Panda, had left him, with many people, and, crossing the Tugela, has located herself on the Umvoti. The Kafirs in this vicinity, as is usual in such cases, have been active in plundering the cattle of the fugitives. To stop this, I employed two of the petty chiefs about here, and have caused many cattle to be returned. I also sent messengers to Mawa to desire neither herself nor people should cross the Umvoti, but remain there to await my instructions.

Nonjelas and four of Panda's other councillors having been seized, preparatory to being put to death (the former is the leader of his armies, Panda being no warrior, and is, for a savage, a superior person), many of his people have fled with those belonging to Mawa; and the other Zulu chiefs are, it is said, revolting.

It is unfortunate for many reasons that this affair has occurred,

for it will probably lead to the breaking up of Panda's power, a circumstance at this moment not to be desired; independent of which, the great influx of fugitive Zulus into the Natal territory which this defection will occasion is a matter of great inconvenience, the native population being already very numerous.—I have the honour, &c.,

(Signed) J. C. SMITH, Major.

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THE HON. H. CLOETE TO MR. J. BODENSTEIN,  
SECRETARY TO THE VOLKSRAAD, PIETERMARITZBURG.

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Pietermaritzburg, 26th June, 1843.

SIR,—Having learnt that the Rev. Mr. Lindley has been impeded in his further journey to the distant inhabitants of this colony, in consequence of a commando at the Windberg being to be called, either by the landdrost there himself or by some order issued to him, I have the honour to request you will convene a meeting of the Commissie Raad at this place, and convey to them my wish that they will communicate to me if such commando has been called out by the Volksraad or Commissie Raad; and if not, whether such measure has been adopted with their previous knowledge or sanction: and also whether they are acquainted with the object or purpose for which such meeting of armed persons at the Windberg is intended. I request your answer to this in the course of this week.—I have, &c.,

(Signed) H. CLOETE, H.M. Commissioner.

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J. BODENSTEIN TO THE HON. H. CLOETE.

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Pietermaritzburg, 27th June, 1843.

SIR,—In answer to your letter of the 26th instant, I am able, as secretary of the Volksraad, to inform you that the commando to which you allude has not by any means been called out either by the desire of the Raad or the Commissie Raad, and has taken place without the knowledge or sanction of the Raad, if it have really taken place, nor are they aware for what purpose the commando is to serve.

I therefore consider it unnecessary to convene a meeting of the Commissie Raad, unless you insist upon it.—I have, &c.,

(Signed) J. BODENSTEIN.



## THE HON. H. CLOETE TO MR. J. BODENSTEIN.

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Pietermaritzburg, 28th June, 1843.

SIR,—I have the honour to acknowledge the receipt of your letter of yesterday's date; and beg to thank you for the ready and, in so far, satisfactory manner in which my letter has been answered. As the circumstance, however, communicated to you for the information of the Commissie Raad does not by any means rest on bare rumours, but, as I am told, is contained in an official letter addressed to the Rev. Mr. Lindley, I deem it my duty to request you will submit this communication to the Commissie Raad, with my wish that they will be pleased to enquire into the fact whether such a meeting of armed persons, unsanctioned by the Raad, is really about to take place at or near the Draakberg, as such a proceeding cannot help producing the most fatal consequences to all those who may engage therein, as well as to the community generally.—I have, &c.,

(Signed) H. CLOETE, H.M. Commissioner.

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## J. BODENSTEIN TO THE HON. H. CLOETE.

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Pietermaritzburg, 1st July, 1843.

SIR,—Yours of the 26th and 28th ultimo I had the honour to lay before the Commissie Raad yesterday, and they approved of the answer which I gave you on the 27th.

The Raad having summoned the Commandant Rudolph before them, and having asked him whether he is aware of anything regarding the purposed commando, the commandant replied that he had no knowledge of such a commando, but that he should wish, considering the present conduct of the Kafirs, that some armed persons would arrive, and that it is not improbable that the people behind the Draakberg have become acquainted with our dangerous situation, and are desirous of coming to our relief in time.—I have the honour, &c.,

(Signed) J. BODENSTEIN.

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## THE HON. H. CLOETE TO MR. J. BODENSTEIN.

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Pietermaritzburg, 3rd July, 1843.

SIR,—I have the honour to acknowledge the receipt of your letter of the 1st instant, and have to express my thanks to the Commissie Raad for the ready manner in which they have given up

the packets of letters addressed to Messrs. Shaw, Aycliffe, and Shepstone.

With regard to the declaration of the Commandant Rudolph, contained in your second letter, I cannot but express my surprise—supposing the rumours of the massacring and expulsion by Panda of a number of his subjects were proved to be well founded—that any person of judgment or good sense should expect any danger from the wretched fugitives who may come to seek shelter here within our boundaries. These persons do not appear to me in any way as objects of fear or inquietude to the community; and I hope and trust that the Commissie Raad will not be led astray by such declarations to take any steps without previously communicating them to me.

I have, &c.,

(Signed) H. CLOETE, H.M. Commissioner.

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#### LETTER FROM HER MAJESTY'S COMMISSIONER TO THE NATAL TERRITORY.

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THE HON. H. CLOETE TO THE HON. J. MONTAGU, SECRETARY TO  
GOVERNMENT.

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Pietermaritzburg, 4th July, 1843.

SIR,—The time having now expired which I had publicly announced I would here remain for the purpose of receiving all claims for town lands, I propose leaving this day for Port Natal (where arrangements have been made for my reception), as I have publicly notified that I shall attend there during the present month, in order to receive and examine into all claims for lands situated at the Bay and to the eastward as far as the banks of the “Tongala” (or Tugala), this being considered (along the coast) the eastern boundary of the territory of Natal.

The result of my public notice at this place has been precisely what I anticipated and expressed to His Excellency in my former despatch. The dogged obstinacy with which the residents here seem determined to reject the advantages held out to them by His Excellency's proclamation, is clearly evidenced by their declining to report those lands at this place, although there is hardly a doubt that they

will be declared to be entitled to the greatest part thereof under the proclamation.

Of four hundred and fifty erven (or building lots) of which the town consists, and the greater part of which have been built upon, cultivated, or otherwise occupied, only one hundred and twenty have been reported, and by far the greater number of these belong to British, German, and other foreign residents; so that it becomes absolutely necessary, in order to complete my labours here, that I should be furnished with the power of declaring in my subsequent notice that, after another appeal, the parties failing to avail themselves thereof, shall forfeit all claims to their lands, whether occupied or not, and that the Crown will resume them at pleasure. Without such a declaration, I do not see the prospect of proceeding in my further duties at this place, or at any other to the northward.

I have in the meanwhile availed myself of the opportunity afforded me, by the visits of various persons, to obtain every possible information as to the extent of the territory I shall have to visit, and the character and nature of its institutions; and as I conceive it to be important that His Excellency should be in possession of this at an early stage of my mission here, so as to guide His Excellency in any further instructions I may have to carry out, I shall take the liberty of now submitting for His Excellency's consideration the substance of the intelligence I have thus obtained on these important topics.

The first object of my enquiries was to ascertain the extent of territory occupied *de facto* by the emigrant farmers, and how far the Volksraad was acknowledged by the whole or any part of them. On the first part, I have ascertained satisfactorily that when the Volksraad as now constituted was first established here, in the middle of the year 1838, they considered themselves as of right entitled to occupy and recognise, as belonging to the emigrant farmers, the extent of territory as conceded to them by the Zulu chief Dingaan, and as described in a document said to be signed by the chief and some of his counsellors, and found among the dead bodies of the unfortunate P. Retief and others who were butchered on the 6th February, 1838. It is somewhat singular that this document, which I have seen in original, should have been written in English (as I am informed) by the Rev. F. Owen, a missionary of the Church of England, at the time residing with Dingaan, and who appears to have acted both as interpreter and amanuensis on the occasion. An authentic copy of that document is hereunto annexed; and from all



the enquiries I have made, from the respectable character of the witnesses who found and attested the document, from the superstitious feeling which seems to prevail among the Zulus not to touch anything belonging to the dead, and more particularly from the language in which that document has been written, there can exist no doubt as to the authenticity thereof. Under this grant, the emigrant farmers took possession immediately of the territory bounded by the Quathlamba Mountain range (called by the emigrants the Draakberg, or Dragon Mountains) to the northward, by the Tongala (or Tugala) to the eastward, and the Umzimvooboo to the westward. This territory forms nearly a parallelogram, extending from the 29th to the 31st degree of east longitude, and comprising an area of about 35,000 square miles, intersected by numberless rivers, and presenting (from the little I have yet seen) the most picturesque and fertile tract of land on the face of the globe.

The emigrant farmers soon appropriated to themselves the most fertile spots throughout this tract of country, and a regulation was introduced to the effect that the early settlers (in consideration of the losses they had sustained and the dangers they had encountered) should receive gratuitously two farms wherever they would fix upon them, and one erf either at Pietermaritzburg or the Bay.

They seem first to have confined themselves to the land on the right bank of the Tugala and the left bank of the Umzimcooloe, but they soon took farms beyond these limits (as far as noting them in a book kept by the Volksraad gave a party a semblance of claim), but from the unsettled state of the country, and the fear of attack from the Zulus and other native tribes, I do not believe that any of these have been occupied during the last twelve months.

Independent, however, of this tract of country possessed by them under the grant from Dingaan, the emigrant farmers were already before and are still virtually in the possession of, or occupying all the country to the eastward of the 27th up to the 30th degree of longitude, and between the 28th and 30th degree of latitude. They appear afterwards to have advanced further northward, up to the 25th degree of latitude, where, at a station called Zoutpansneck (so named from some remarkable salt lakes which are there found), they have now assembled in considerable numbers. Of all these parties settled to the northward of the Draakberg range, there are, however, only two districts who acknowledge any political connection with the Volksraad at Pietermaritzburg. These stations are called the "Windburg" and Potchefstroom, and are situated (as near as I

can ascertain) to the southward of the 28th degree of latitude. They, however, do not acknowledge the authority of the Volksraad to legislate over or direct them, except in such cases in which they themselves send some of their members to Pietermaritzburg.

These two districts have formed among themselves a council, called by them an "Adjunct Raad," which send down members here whenever they wish to join in any movement or act of the Volksraad; but otherwise they do not consider themselves as of necessity bound to follow up or join in any measures adopted by the Volksraad. There thus exists an ill-defined species of federal union between them, which may be called in by the weaker power on the northern districts, but dependent only on the volition of that weaker State. All the other emigrant farmers extend from the borders of the colony, where Mocke and Greyling are the principal chiefs, to the Zoutpansberg, near the 25th degree of southern latitude, and are divided into numberless parties or clans, who do not recognise the Volksraad or Adjunct Raad, nor any government whatever. They have appointed from among themselves certain fieldcornets as their chiefs, to lead them in any case of hostile aggression or warfare; but they have otherwise retrograded to an entirely patriarchal government, which appears most consistent with the pastoral or nomad life which they are leading. There are no less than fourteen of these so constituted fieldcornets, who can (as I am informed) muster 2,500 men capable of bearing arms. This would suppose a population of at least 10,000 persons thus wandering through the deserts of South-East Africa, and to follow these tribes "through wilds immeasurably spread which lengthen as you go," or to attempt to conquer the "unconquerable will" of those who are determined not to submit to British rule, will become a matter of almost physical impossibility; while the chance of ever bringing such persons, and with such habits, under a settled government or the British supremacy, appears to me almost impracticable: and certainly would not produce any advantages commensurate with the vast expenditure which a great military force and strong civil power would necessarily entail.

The only point for consideration then remaining appears to be in how far it will be desirable to consider and take in that part of the territory to the northward of the Draaksberg which is governed by the Adjunct Raad, and which to a certain extent is connected with the Volksraad here, and is at least under some shape of government.

I shall take the liberty of submitting here the various grounds

and arguments which seem to favour, and also those which appear to militate against, such an extension of territory.

In favour of the assumption of that territory it has been represented to me—

Firstly. That those tracts of country were found by the emigrant farmers to be completely uninhabited, the small native tribes who originally lived therein having been annihilated by Masilikatse on the one side, and by Chaka and Dingaan on the other.

Secondly. It is assumed that it forms the most healthy part of the country or territory of Natal for cattle, the northern side of the Draaksberg being a high table land, which, although not so well watered as the southern slope, affords the best sheep walks in the whole country.

Thirdly. Many respectable emigrants residing in and near this have their cattle farms in those districts, and maintain that they ought to be equally entitled to the possession of those farms which they have *bona fide* occupied during the last twelve months, as to those upon which they are residing in the vicinity of this place.

Fourthly. It may be alleged that the proximity of a large body of emigrant farmers on the northern slopes of the Draaksberg in a state of independence, or under some shape of republican government, will always strongly tend to unsettle the population within this colony, will afford a ready receptacle for every outcast of society here, and create an everlasting source of disaffection and irritation between the two countries.

On the other hand, the following reasons strongly militate against the adoption of those districts:—

Firstly: From the tenor of Lord Stanley's despatch, it would clearly appear that the extension of territory is by no means an object of Her Majesty's Government, and that, therefore, with a view to an inexpensive civil government here, and the necessity of affording adequate military protection to the inhabitants, it appears undesirable to assert British supremacy further than where it can reasonably be expected to ensure that protection.

Secondly. The Quathlamba or Draaksberg Mountains, running due west, and being from 3,000 to 4,000 feet in height, and for many months covered with snow, present an almost impassable barrier throughout the whole of the northern boundary of this district; only two passes have yet been explored by which wagons can pass to the northward, and these are exceedingly steep, long, and perilous, so that, by keeping up small military detachments at these passes, all



intercourse with the interior may be effectually checked, or so regulated as to prevent any aggression or collision.

Thirdly. With a large mass of the present emigrant farmers decidedly averse to all British rule or government, it appears to me to be impossible to fix any definite natural or physical boundary beyond the Draaksberg range.

From all the information I have been able hitherto to collect, I understand that to the northward of the Draaksberg, up to the 25th degree of latitude, the whole aspect of the country presents one continued expanse of plains or gently undulating hills, without any marked natural limits. To form an ideal boundary of territory in the midst of such a population, and in such a country, and where two strong principles are opposed to each other, would appear to me to lay the foundation of never-ending bickerings and excitement, which it will require a strong military and expensive civil power to control.

The sooner, then, a natural impediment is interposed the sooner those hostile feelings will subside; and I do not think I shall be found wrong in anticipating a time when those beyond the Draaksberg, after being a prey to anarchy and division, will voluntarily present themselves and solicit to be received under the protection of a settled Government, which is only desirous to confer upon them benefits which they appear at present neither to understand nor to appreciate.

Fourthly. It is to be observed that the two districts beyond the Draaksberg are not included in the submission of July, 1842; that none of their Volksraad subscribed to that submission; and that, although some of their people joined in arms against Her Majesty's troops, and were headed by some of their Raad, that these fled beyond the mountains immediately after the capture of the port and relief of Major Smith; so that, although they may be considered as rebels who were in arms against Her Majesty, it is questionable whether they are of right entitled to those privileges which are only held out as dependent on an unqualified submission to Her Majesty's authority. In short, with an unruly population to the northward, the Zulus to the eastward, and the Amapondas to the west, I cannot but think that the settlement of Port Natal, with its boundaries as defined by the grant of Dingaan, will be as extensive as Her Majesty's Government can possibly desire to occupy for years to come.

Having thus unreservedly submitted every argument that has

presented itself to my mind, both for and against an extension of territory here, His Excellency will readily infer that I am no advocate for extending those limits beyond the Draaksberg. All these arguments are, however, founded on information and data collected from various quarters, which I feel will have still to be subjected to the test of personal investigation, and I only submit them thus early in order to enable His Excellency to come to a decision whether I shall be instructed to extend my enquiries upon lands beyond the Draaksberg, and if so, how wide a range I shall have to take in this investigation.

My next object of enquiry here was to ascertain the nature and character of the political institutions under which this country has hitherto been governed.

On this subject I have ascertained that, immediately after Retief's death (who appears to have been constituted as a permanent governor) the people have determined to establish a government of a still more popular and democratic nature than before. By circulars issued at the end of each year, the fieldcornets were desired to send in lists, signed by persons in their respective wards, setting forth the names of those whom the subscribers submitted as candidates for the Volksraad. From among these, twenty-four persons having the highest number of votes were chosen to officiate during the year. Their office is entirely honorary, and no chief or president is acknowledged; but at each sitting some one of the members present is merely called to the chair. Their regular sittings are fixed quarterly, on the first Mondays of January, April, July, and October, and twelve members when assembled form a quorum. Their power seems quite unlimited for all political and legislative functions. They assume the power of granting lands, imposing duties, making treaties with the neighbouring tribes, making all the appointments of landdrosts, fieldcornets, &c., and no sentence of death can be carried into effect without its sanction.

From such a mode of appointment it is evident that any aspirant for the honour of being member of the Volksraad could readily find some subscribers to recommend him; and, in times of quiet, even here, persons were found in numbers ambitious enough of that honour. During the last year, however, few have ambiated that office; and although three or four persons have been brought in (as I am informed) by the single vote of one individual—and some of those are actually in office—are so nearly related as to be disqualified from holding office together. The following sixteen (and not seven-

teen, as I stated in one of my former despatches) have accepted office. Their names are :—For Pietermaritzburg and Port Natal: Messrs. Stephanus Maritz, Poortman, Paul Zietsman, Evert Potgieter, Marthinus Johs. Potgieter, Hendrik van den Berg, Willem van Aardt, Lucas Meyer, Philip Nel, Piet J. Human, Christian Botman, Paul Naudé. For the District of Weenen, on this side of the Draak-berg: Messrs. Frans Joubert, Andries Spies, Christoffel Lugman, Jan Davel.

The following persons—Messrs. J. N. Boshoff, Pt. Otto, Ands. Pretorius, and Gert Wium—were also elected, but have hitherto declined to act in any way in the Volksraad, and have not been sworn in. With the exception of the three first-named in the above list, the other members are farmers, extremely illiterate, and totally unacquainted with the first duties which they have thus taken upon themselves. At every meeting of the Volksraad (which is held with open doors), if any measure is to be adopted, a collection from the public, as it is called, takes place to carry the same; and with such a pressure from without there is hardly anything proposed which is not immediately adopted by persons individually irresponsible, and who fall back immediately in the crowd which has called for such measures: and to meet the inconvenience of the Volksraad meeting but once quarterly, they have appointed a “Commissie Raad” (or a standing committee of the Council), consisting of the members who reside in and about this town. These are empowered to meet and pass any order or resolution on matters requiring immediate despatch, reporting their proceedings at the next meeting of the Volksraad, who have the power to confirm or cancel the measures adopted by the committee. From the very nature of the cases brought before the committee, it is clear that their orders given to meet certain exigencies would (generally speaking) be irreparable, so that the reversion of their orders by the full Court or Raad is almost nugatory; and the Commissie Raad might thus be, and in many instances have been, able to carry any measures they may think proper.

Upon my arrival they adjourned the ordinary meeting of the Volksraad to the first Monday (and not, as stated in my former letter, the first) of August next, and they have thus left the public unguided and unsettled during all this time, and have encouraged them in their system of passive resistance to the duties I have to perform, and I am left entirely ignorant what steps they intend to pursue when they next meet. I have fully explained to those whom I had the opportunity of seeing, the objects of Her Majesty's Government,



and the plain and obvious duties which are now required of them. I hope I have succeeded with some in pointing out the folly of their expecting even a reply to their offer of submission to the King of Holland, as some designing knaves had fully impressed them with a belief that such a communication had come by the "Brazilia," and was now withheld from them; and the violence of the excitement which prevailed in consequence at my arrival having now somewhat subsided, I would fain hope that the proceedings on the first Monday of August will be marked by a return to good sense and temper. There is, however, still an apprehension that parties from this and the other side of the Draaksberg will pour in here, and by their pressure get the Volksraad to pass certain resolutions in opposition to Her Majesty's Government and authority.

I was further informed, in the beginning of last week, that the Rev. Mr. Lindley (who had left this a few days after my arrival, on a tour to the most remote emigrants) had returned in consequence of some commando having been called out by the Landdrost Vermeulen, at the northern side of the Draaksberg. I felt it my duty thereupon to address the committee of the Council on the subject, and the accompanying letters will show that the committee disavow all knowledge of such a movement, although the evasive explanation of the Commandant Rudolph, as set forth in the letter of the Volksraad of the 1st instant, seems not indistinctly to intimate that his tour (which he is known to have made to the northward the day after my arrival here) was not without some object.

I feel, however, confident that a small military force—if it could possibly reach this before the time of the meeting of the Volksraad—would materially tend to prevent the possibility of any act of violence being committed (which the loyal and well-affected still apprehend), and will at once establish the supremacy of Her Majesty's Government, then no longer to be shaken or impaired by any party here.

Since I had the honour of addressing you my last despatch, reports have reached this from various quarters, to the effect that the Zulu chief Panda had driven away his mother, murdered his own brother Xluxlu, and that several of his captains, with their followers, had sought refuge within the limits of this territory.

From the tenor of the accompanying correspondence which I have had with the Commissie Raad, His Excellency will perceive that their commandant, Gert Rudolph, seems anxious to make this a plea for calling out an armed force, or commando; and I have

endeavoured (as far as lies in my power) to check such an attempt. Considering, however, the very great number of these fugitives which have already gathered themselves within this country, and are wandering about, or are settling themselves down wherever they list, the great insecurity of life and property generally, and the character of the country, I beg leave to express it as my opinion that a force of at least six hundred men (one-third of which to consist of cavalry) should be immediately kept up for the protection and safety of the peaceable and well-disposed inhabitants.—I have, &c.,

(Signed) H. CLOETE, H.M. Commissioner.

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MAJOR SMITH TO SIR G. NAPIER, K.C.B., &c.

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Port Natal, July 8th, 1843.

SIR,—On the return of Her Majesty's Commissioner to this place, on the 5th instant, he first made known to me his having suggested to you the necessity of the force at Natal being augmented, with a view to a party of 200 men being pushed on to Pietermaritzburg previous to the meeting of the Volksraad, in the beginning of next month; at which he appears to think it probable acts of violence will be resorted to.

As regards the expediency of increasing the force stationed here, I fully concur with him, but in the present posture of affairs see great objections to placing a detachment so far in advance of its supplies as Pietermaritzburg; neither do I conceive the strength proposed by any means adequate to the occasion.

That great excitement prevails throughout the country at present is unquestionable, and that the mass of the people are repugnant to the re-establishment of British authority under any shape whatever is, I think, equally certain. There would be considerable danger, therefore, in the event of a detachment being stationed so far inland, of the necessary convoys of stores and provisions being cut off on their way thither; besides, I doubt much whether adequate means of transport could be obtained. Increasing the force at Natal may possibly have the effect of overawing the Boers into something like submission; but should it be otherwise, unless the Government can spare a sufficient body of troops to compel their obedience, I think it would be unwise to extend the scene of operations too far into the interior, particularly when it is considered from how distant a spot the requisite supplies have to be forwarded, and that so many contingencies may arise to render their transmission hazardous.

I would therefore suggest, as a preliminary measure, that the force here be augmented to a strength enabling it to afford protection to the vicinity, but that pushing forward a detachment to Pietermaritzburg should not be resorted to, unless matters have assumed a shape at that place to take from such a step the possibility of failure.

This opinion is formed on the supposition that you have not the means at present of sending a large body of troops to Natal; for were such a measure practicable, I am convinced it would be far the wisest, and that the presence of a considerable force in the country, by awing the disaffected, confirming the wavering, and giving confidence to the well-disposed, is the only lever by which the plans of Government can be effectually carried out. Conciliation with this obstinate and rebellious people has been hitherto tried in vain: nor do I think it will ever succeed; for such is their ignorance that they attribute forbearance to weakness, and appear to consider the willingness of Government to pardon past transgression as an indication that it has not the power to punish.

In this estimate of their character I may be wrong; but it is the result of some experience, and, I think, borne out by the extraordinary line of conduct they are now pursuing. In the event of a large force being available, and employed as above suggested, it would be necessary to fix its headquarters at Pietermaritzburg. Order being once established at the seat of government (whether by compulsory or other means is immaterial, since no good can be achieved without it) will gradually extend its influence; and as that place is the very focus of disaffection, this will be, at all events, one step gained towards its repression.

There is little doubt a large body of armed Boers from various parts of the country will assemble at Pietermaritzburg early in August, on the plea of being present at the postponed meeting of the Volksraad; and as the mass of a people are easily stirred to acts of violence, and more prone to tumult than deliberation, I think there is every probability of some rebellious outbreak taking place before they separate.

For this I shall be duly prepared. There remain but a few observations to make on the nature of the force sent, of which it appears to me indispensable there should be an efficient body of cavalry, in order to compete with the Boers, who are mostly mounted. Between this and Pietermaritzburg, the surface being more level and less wooded, cavalry can act to advantage; neither has the loss in horses been great during the stay of the troops at Natal, although it bears the reputation of being fatal to them.



In a letter I addressed to the Deputy-Quartermaster-General on the 29th of March, I requested him to bring under your notice the diminution of the force stationed here, chiefly arising from the many soldiers invalided. I also pointed out the very limited number of officers with the detachment,—a circumstance productive of great inconvenience at a moment like the present.

After deducting the men attached to the artillery, I could not bring into the field more than 195 effective bayonets, and with them but one captain and three subalterns. Of course, I speak of the 27th detachment.—I have the honour, &c.,

(Signed) J. C. SMITH, Major.

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MAJOR SMITH TO SIR GEORGE NAPIER.

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Port Natal, 10th July, 1843.

SIR,—Referring to my letter of the 26th June, on the subject of Panda's massacre of his brother, a number of messengers from that chief arrived at Natal on the 29th ultimo, among whom were Nongalu and other of his councillors, whom it had been reported he was on the point of sacrificing. These people were very importunate on the part of their chief that I should compel Mawa and the other fugitives, with the whole of their cattle, to return; but being aware, notwithstanding their averment to the contrary, that this would certainly lead to their slaughter, I told the messengers that, although I was most anxious that the Zulus should not leave Panda's territory, yet, if his actions were such as to cause them to do so, I could not compel them to return: that I should prevent, as far as practicable, their coming nearer to Natal, and would use my influence to induce them to return, on the condition that they were not to be molested: and, finally, that such cattle as they claimed to belong to the chief should be taken back by his messengers. Here the interview terminated, seemingly not much to the satisfaction of Panda's councillors; but I do not well see how I could have adopted other measures, without being the means of sacrificing the lives of those who have fled from his atrocities.

But this influx of Zulus into the Natal territory is likely to lead to much inconvenience and embarrassment, for there is already a superabundant population of the native tribes congregated around Natal, and that from a very natural cause, viz., the protection they

obtain and the profit they derive by finding a ready market for the grain and vegetables they cultivate.

This increase I have hitherto found it impossible to prevent, for many of the people here, being themselves fugitive Zulus, give a ready reception to others coming from that country; and as the petty chiefs derive power from an addition to their numbers, they also are not unwilling to receive them. On this subject I have several times cautioned the natives having any influence around here; and a few days ago summoned several of the chiefs in the vicinity to appear before me, to whom I pointed out the ruin they would inevitably bring on themselves by the encouragement thus given: for that, although the Government had no objection to those people still residing here whom I found occupying the territory when I first came, yet they were already so numerous, that if the chiefs permitted the accumulation I complained of, it would only end in their being compelled by Government to remove to some more distant location.

I trust this may have some effect in preventing an evil which is not much felt at present, because the farmers have hitherto brought so little of the ground under cultivation.

When industry and enterprise, however, spring up, as they necessarily must do on the establishment of a settled and orderly government, this dense mass of the native population will be found a matter of great inconvenience and perplexity.—I have, &c.,

(Signed) J. C. SMITH, Major.

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#### PROCLAMATION

By His Excellency Major-General Sir GEORGE THOMAS NAPIER, K.C.B., Governor and Commander-in-Chief of Her Majesty's Castle, Town, and Settlement of the Cape of Good Hope, in South Africa, and of the Territories and Dependencies thereof, and Ordinary and Vice-Admiral of the same, &c., &c., &c.

WHEREAS Her Majesty the Queen was lately pleased to declare the territory of Port Natal a British colony; and whereas by the authority in that behalf to me delegated, I did afterwards appoint the Honourable Henry Cloete, Esq., LL.D., to be Her Majesty's Commissioner for the said territory, in order, amongst other things, to announce to the inhabitants thereof Her Majesty's said declaration, to communicate the nature of the mild and beneficent measures which had been adopted in regard to her formerly misguided sub-

jects, and collect information relative to the local institutions best calculated to secure under Her Majesty's sovereignty the peace, protection, and contentment of the new colony :

And whereas, notwithstanding the distinct announcement, already published by me for general information, that nothing could have induced Her Majesty's advisers to admit the independence of the emigrants, or to permit them to come under the protection or dominion of any foreign Power, certain evil-minded persons at and near Pietermaritzburg have evinced a disposition to thwart Her Majesty's Commissioner in the discharge of his duties, to withhold the acknowledgment of their allegiance to Her Majesty, and to intimidate by threats and clamour the loyal and well-affected part of the community :

Now, therefore, I do hereby proclaim, declare, and make known, that, in order to ensure the preservation of order and tranquillity, I have directed the immediate removal from this colony of two hundred (200) rank and file of Her Majesty's 45th Regiment, together with a corresponding proportion of artillery and guns, to reinforce Major Smith, the officer commanding the forces at Port Natal, who will be empowered, upon their arrival, to advance to Pietermaritzburg such a force as will effectually repress all tendency to riot and disturbance in that quarter, and effectually protect Her Majesty's dutiful and loyal subjects from violence and outrage :

And I hereby charge and exhort all Her Majesty's subjects to be active in suppressing the attempts of any mischievous and desperate men to excite turmoil and confusion, and postpone the peaceful settlement of affairs in Her Majesty's said colony :

And I do further proclaim and make known, that all persons at Port Natal who shall neglect to send in to Her Majesty's said Commissioner, on or before whatever day the said Commissioner shall limit for that purpose, their claims for lands to be granted to them by Her Majesty, in accordance with my previous Proclamation of the 12th day of May, 1843, will thereby forfeit all claim to Her Majesty's favourable consideration, and render themselves ineligible to receive from Her Majesty any grant of land whatever.

GOD SAVE THE QUEEN !

Given under my hand and the Public Seal of the Settlement, at Cape Town, Cape of Good Hope, this 14th day of July, 1843.

(Signed) GEORGE NAPIER, Governor.

By command, &c., (Signed) JOHN MONTAGU, Sec. to Government.



THE HON. JOHN MONTAGU TO THE HON. H. CLOETE.

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Colonial Office, Cape Town, 14th July, 1843.

SIR,—I had the honour, on the 12th instant, to receive your letters addressed to me from Port Natal on the 5th, and from Pietermaritzburg on the 10th and 19th ultimo, and they, together with your letters from Pietermaritzburg of the 10th and 20th ultimo, addressed to the Governor, were considered by His Excellency in the Executive Council yesterday.

His Excellency in Council has perused with extreme concern your account of the conduct of some of the emigrant farmers at Natal, and regrets exceedingly to be informed of the indisposition they evinced to receive, in a proper and grateful spirit, the gracious intentions of Her Majesty the Queen for taking them under British protection.

At the same time, His Excellency is gratified to learn that some of the emigrants duly appreciate the benevolent intentions of Her Majesty, and are prepared to co-operate with you in giving them effect.

It is unnecessary for His Excellency to detail to you his reasons for not entirely acceding to your proposition for his issuing a proclamation of the description you have suggested, or authorising the employment of troops for the objects and in the manner you have submitted.

It has appeared to His Excellency in Council, after duly considering the nature and intention of your mission, that it would not be expedient to employ the military at Natal for other purposes than those you will find defined in the accompanying proclamation, which the Governor issued this day, and by which you will learn that an addition has been made to the military force at Natal to the extent you requested.

His Excellency regrets being under the necessity of declining to accede to your proposal for him to appoint Mr. Zietsman the landdrost of Pietermaritzburg, conceiving that such an appointment at present would be premature.

You will perceive by the proclamation that His Excellency has acceded to your suggestion of authorising you to limit the time for transmission to you of the claims of the emigrants for the lands they have occupied at Natal, and for which they desire to receive grant deeds from Her Majesty.

You are aware of the Governor's great anxiety for you to abstain as much as possible from doing anything which may have a tendency to induce the emigrants again to migrate, and to disturb the aboriginal natives beyond Natal; and His Excellency feels confident that your own judgment will point out to you the necessity of depriving the emigrants of every reasonable pretence for such a step.

Respecting the difference of opinion which has arisen between Major Smith and yourself in the interpretation of His Excellency's instructions, which state, "That the commandant should not interfere with the emigrants, should they see fit, for carrying on their temporary government, to impose duties upon goods landed at Natal and carried into the interior," I am directed to acquaint you that the view taken of that instruction by Major Smith is in exact accordance with His Excellency's intention. The object, amongst others, which His Excellency proposed to promote in giving his approval to the imposition of certain duties by the emigrants, was to enable them to carry on their temporary government; and since that expense had to be incurred by them for Pietermaritzburg only, His Excellency saw no objection to their taxing themselves by a duty upon the goods landed at Natal, when those goods were carried into the interior.

To have extended the permission to tax all goods landed at Port Natal would, in effect, have enabled the emigrants to levy duties upon the articles required for Her Majesty's troops, public servants, and inhabitants of that port, who, being in no way interested in carrying on the temporary government alluded to, could not, in justice, be required to contribute towards the funds to be appropriated to that purpose. In order, however, to remove all doubts upon the question, the Governor will instruct Major Smith by this opportunity to define, by a public notice, the limits of the town of Port Natal, to which, in his opinion, the exemption from the impost should be extended, upon the principle I have now laid down for your information.

The military force for augmenting the detachment at Natal will embark to-morrow on board Her Majesty's steamship, the "Thunderbolt," from Simon's Town, and will in all probability arrive at Natal in five days afterwards. His Excellency sincerely hopes that there will be no occasion for them to act against the emigrants at Pietermaritzburg, and that order and tranquillity will, ere their arrival there, have been restored.

The présence of the troops will, at all events, ensure protection to those for whose benefit they have been despatched, and will enable

them to hold the meeting appointed for the 1st of August without intimidation or violence from the lawless and disaffected.

His Excellency would have been glad to have perused the notice of meeting for the 1st August you have stated you had been served with, and has desired me to request you will in future furnish copies of all documents to which you make allusion in your despatches.

It only remains for me to add, that His Excellency's anxiety to be informed of your proceedings and the conduct of the emigrants, by every opportunity, will be very great; and he relies upon your keeping him fully acquainted with your exact position, and the general aspect of affairs in the Natal territory.—I have the honour, &c.,

(Signed) JOHN MONTAGU.

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SIR G. T. NAPIER, K.C.B., TO LORD STANLEY.

SECRETARY OF STATE.

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Government House, Cape of Good Hope,

15th July, 1843.

MY LORD,—A vessel being upon the point of sailing for England, I embrace the earliest opportunity of transmitting copies of the despatches received by last frontier post from the Lieutenant-Governor relative to the proceedings of the emigrant farmers beyond the Orange River, and from the Honourable Mr. Cloete and Major Smith, representing the disloyal feeling evinced by the emigrants at Pietermaritzburg in their reception of the Commissioner who was sent to enquire into and report upon the affairs of that country, and to explain to them the benevolent intentions of Her Majesty towards her hitherto misguided subjects.

I deeply regret that such an exhibition of disloyalty and anti-British feeling should have taken place, as I was led to suppose that the majority of the emigrants would have now been convinced that they had little to hope from a perseverance in their infatuated line of conduct; but I do not despair of still being able to bring them to reason without having recourse to coercion. It is difficult, however, to foresee to what lengths the insane proceedings of a portion of the community may lead them; but, at all events, the Government will not be held to have acted harshly towards those people, whose folly is only equalled by their ignorance.



The extract from the minutes of the Executive Council, and the proclamation which I have issued on the subject, together with the instructions issued to Mr. Cloete, of all which documents copies are enclosed, so fully explain the grounds upon which some of the suggestions of the Commissioner are complied with, while others are not acceded to, that I have only to request your Lordship's attention to those documents.

Her Majesty's steamer "Thunderbolt," with 200 rank and file of the 45th Regiment, will sail for Natal this evening, and will probably arrive there on or before the 20th instant.—I have, &c.

(Signed) GEORGE NAPIER.

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MAJOR SMITH TO SIR GEORGE NAPIER.

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Port Natal, 18th July, 1843.

SIR,—By the arrival of the Admiral off the port this morning I take the opportunity of making you acquainted with the state of affairs at this place up to the present moment.

They have not, I regret to say, improved; and it is reported, I have reason to think with some degree of truth, that many armed Boers are at Weenen, preparatory to coming to Pietermaritzburg for the August meeting. At the latter place, however, by the last accounts, all was tolerably quiet, although an anticipation of some outbreak early in next month generally prevails.—I have, &c.,

(Signed) J. C. SMITH, Major.

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THE HON. H. CLOETE TO THE HON. J. MONTAGU,  
SECRETARY TO GOVERNMENT.

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Port Natal, 22nd July, 1843.

SIR,—I acknowledge the receipt of your letter of the 14th instant, together with the proclamation therein referred to, which I received last night by Her Majesty's steamer "Thunderbolt," and in conformity with my previous communications to His Excellency, and the purport of the proclamation of the 14th instant, I requested of Major Smith, in an official communication of this morning, to prepare a force of 200 men, with a complement of artillery and two field-pieces, to be in readiness to march, so as to be at Pietermaritzburg on the 31st instant, deeming it advisable that they should be on their

ground before any considerable parties of emigrants could arrive at that town. Upon receipt of the communication, Major Smith favoured me with a call, and dwelt at large on the risk of having so small a force so far advanced into the country without some cavalry to support them, dwelt on the difficulty of supplies, and upon these grounds seemed to apprehend much danger from such an advance.

Although I confess that I do neither see nor apprehend such a danger, and conceive this force sufficient for the simple purpose of a demonstration, on the day of the meeting, to ensure safety and protection to the loyal and well-affected, I cannot but concur with Major Smith (and, indeed, have already done so in my letter of the 4th of this month) that the accession of a cavalry force is essentially necessary to the keeping up of a regular intercourse with a detachment, and to protect and guard supplies, &c., &c. And we have, therefore, availed ourselves of the readiness which Captain Broke at once expressed to return to Simon's Bay, to convey to His Excellency our united application that an additional cavalry force may be forwarded, to ensure perfect safety in the advance contemplated.

I have information from Pietermaritzburg dated the 10th ultimo, at which time everything was quiet there; but a report had reached that Mocke with one hundred men had come down the Draaksberg, and might be expected at Pietermaritzburg at the meeting of the 7th of next month; but even for this there was no positive foundation in fact. A demonstration there of Her Majesty's forces will dispel those crowds, as the rising sun doth the darkness.

I am happy to say that everything connected with the filing of claims to land here has gone on with every desire to secure those advantages from Her Majesty's Government, and that my only difficulty has been to decide among the many contesting claimants for a single lot.

Captain Broke being desirous to sail this evening, compels me to defer answering the further topics contained in your despatch until another opportunity.—I have the honour, &c.,

(Signed) H. CLOETE, H.M. Commissioner.

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MAJOR SMITH TO SIR G. NAPIER, K.C.B., &c.

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Port Natal, 22nd July, 1843.

SIR,—The arrival of Her Majesty's steamer "Thunderbolt" yesterday, with the detachment of the 45th Regiment, put me in possession of your various communications on the subject of pushing

on a force to Pietermaritzburg previous to the meeting of the Volksraad early next month. In an earlier letter, which the very hasty departure of Her Majesty's ship "Winchester" prevented me sending, I have stated to your Excellency the objections I entertain to the amount of force as suggested by the hon. Commissioner; and nothing has since transpired inclining me to the adoption of a different opinion.

For such a purpose, I consider cavalry indispensable; and of these I have so small an available force that it is hardly worth the mention—for although your suggestion of mounting some of the infantry will add to it, yet this can scarcely be done within the period required from the extreme difficulty of procuring horses.

As regards the amount of force I consider necessary to attain the object contemplated, it should not be less than 500 men, 100 of whom should be formed into an intermediate post between Natal and Pietermaritzburg, to keep up the communication and facilitate the transmission of supplies.

I do think that, if the thing were practicable, an entire regiment should be dedicated to this service, and that its head-quarters, as stated in my former letter, ought to be posted at Pietermaritzburg; for the isolation of so moderate a force as 200 men at a distance of seventy miles inland, I hardly consider a step that it is judicious at this moment to resort to.

By the last information, Mocke and 400 men were already at Weenen, and a much larger body preparing to cross the Drakensberg in order to follow them—it is said 1,500 men; but this is doubtless an exaggeration. On the loyalty of any of the people, except the few English, and some others located near Natal, little dependence can be placed. Some may perhaps remain passive (and even that is doubtful), but will certainly not assist the British against their countrymen; neither will they venture to afford supplies, should they be required. Everything in that shape will therefore have to be forwarded from hence; and this cannot be done without troops for their protection.

I have thus with perfect sincerity given you my opinion respecting the proposed measure, and have taken upon myself the responsibility of not making a forward movement until the return of Her Majesty's steamer "Thunderbolt" shall have made me acquainted with your final decision. Had the hon. Commissioner informed me at the time he wrote the expression of his wish for a force of 200 men being sent to Pietermaritzburg, my opinion of its inefficiency



could have accompanied his letter; but not being aware of that circumstance until his return to Natal, I had no opportunity of doing so. I feel myself, therefore, placed in a position of much delicacy, for the fact of having received instructions to advance, and abstaining from doing so may subject me to your displeasure. I have, however, a duty to perform which I consider superior to every other consideration, and have therefore written to you in the spirit of candour you have ever desired.—I have the honour, &c.,

(Signed) J. C. SMITH, Major.

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P.S.—Pietermaritzburg is wholly destitute of wood—a matter of great inconvenience on the first arrival of a military force.

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THE HON. H. CLOETE TO MAJOR J. C. SMITH,  
H.M. COMMANDANT, PORT NATAL.

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Port Natal, 22nd July, 1843.

SIR,—His Excellency the Governor having been pleased to approve of the suggestions in my several letters from Pietermaritzburg, urging the necessity of having a detachment of two hundred men of infantry, with a corresponding number of artillerymen, and two field-pieces, stationed at that place, if possible by the end of this month, in order to ensure protection and safety to the well-disposed inhabitants against any lawless attack from an ignorant and unruly rabble who there float on the surface, in consequence of the state of anarchy in which the country is placed, and an addition having been made to the military force here to the extent requested by me, for the express purpose of carrying the above objects into effect (by the arrival of the troops yesterday in Her Majesty's steamer, "Thunderbolt"), I have the honour to request that you will be pleased to make the necessary arrangements to enable that force to march from here, so as to take possession of their ground at Pietermaritzburg by the 31st instant.

I have the honour to transmit to you copy of a proclamation issued by His Excellency at Cape Town on the 14th instant, which fully sets forth the object for which additional force has been placed at your disposal.

As none of your officers have, I believe, visited Pietermaritzburg, I shall be happy to give you any information you may require

connected by this movement, which I may be able to impart from the minute observations I have made both on the road and the country adjacent to Pietermaritzburg.—I have the honour, &c.,

(Signed) H. CLOETE, H.M. Commissioner.

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REAR-ADMIRAL THE HON. J. PERCY

TO THE HONOURABLE SYDNEY HERBERT, M.P., &c., ADMIRALTY.

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“Winchester,” Simon’s Bay, 24th July, 1843.

SIR,—I sailed from Mauritius on the 3rd instant in Her Majesty’s ship “Winchester,” bearing my flag, and proceeded from thence to Bourbon, where I anchored on the following day, and remained until the 8th of this month, arriving here this day, having—from the favourable state of the weather on the 18th—had an opportunity of communicating with the commanding officer of the “Fawn,” off Port Natal, on my way hither, from whom I was sorry to learn that Her Majesty’s Commissioner, Mr. Cloete, who landed at Natal on the 6th ultimo from Her Majesty’s ship “Cleopatra,” was very unfavourably received three days afterwards at Pietermaritzburg by the emigrant farmers, who displayed the Dutch flag all over the town, and also on the Government House, and declared their determination not to be considered as British subjects on any account or upon any terms whatever.

The Governor having been apprised of this conduct on the part of those misguided people, and deeming it advisable to reinforce the troops under Major Smith, with the view of his marching upon Pietermaritzburg, the “Thunderbolt” was despatched from hence by Captain Sir John Marshall, on the 14th of this month, with additional troops, amounting to 222 officers and men, and one or two guns, with orders to land them at Natal and return again to this port.

On the 19th I fell in with the “Thunderbolt,” on her way within a short distance of her destination, and from the then favourable appearance of the weather on the coast, I hope she succeeded in landing the troops on the following day; and at this anchorage (Simon’s Bay) I found the ships and vessels named in the margin [“Rodney,” “Acorn,” “Sappho,” and “Nautilus” (transport)].

I have the honour, &c.,

(Signed) J. PERCY.

## MAJOR SMITH TO SIR GEORGE NAPIER.

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Port Natal, 24th July, 1843.

SIR,—I think it right to acquaint your Excellency that a short time ago a communication was received from the supercargo Smellekamp by Mr. Boshof, addressed to him as president of the Council. It came in the "Margaret," and was forwarded to Boshof under cover from Paul Roux, of Cape Town, of which fact my informant, Mr. Coqui, seemed positive. This person heard the letter read, the contents of which were brief; simply stating that the whole Natal affair would shortly be brought under the notice of the Dutch Ministry, but that he was dubious of the result. He, however, exhorted them to keep up their hopes, &c. This letter was dated from Holland in October last; and possibly Mr. Roux, if he did forward it, may not have known from whom it came.

Mr. Coqui, I may add, was unwilling to have his name mentioned, as he resides in Pietermaritzburg, and would be in some danger were it known to the Boers that he was in the habit of communicating intelligence. Let me also state, while on the subject, that I have every reason to believe, from information received, that certain individuals are doing much mischief among the farmers by writing letters calculated to keep up the excitement which prevails, and assuring them of the sympathy of their brethren at the Cape. These letters are chiefly brought overland from the Cape, the farmers having so arranged as to render the conveyance from thence certain and rapid.

I know not whether I have previously mentioned to your Excellency that large camps, walled round with stone, have been constructed by the Boers at the following places: Eland's River, Sand River, Modder River (Mocke), Mooi River (Potgieter)—the one at Modder River being of great size. In these they contemplate placing their women and children, &c., to protect them from the natives during their advance.

On the night of the 15th instant, on sending out a piquet to ascertain the cause of several shots being fired at the base of the Berea, three horsemen were found lurking near the camp under suspicious circumstances. On being challenged, they rode off at full speed, and were fired at by the piquet and sentries without effect. The night happened to be exceedingly dark. I mention this because one of the objects long contemplated by the disaffected is to set fire



to the camp, where are many detached buildings, and it is possible that these people may have been lurking near to ascertain its possibility.

As one indication of the hostile feeling of the Boers, I may state that the person having the meat contract (Mr. Cato) has given notice of his intention of giving it up, as those who had promised to supply him with cattle had declined to fulfil their engagements.

The Dutch inhabitants of Natal are leaving it fast, and some have expressed openly their intention of again joining with their brethren in opposition to the Government.

I shall make every preparation for a move on the return of the "Thunderbolt," and purpose, with a view to taking as efficient a force as possible up the country, requesting Captain Broke to permit a body of the seamen from his vessel to assist in garrisoning the "Point."

On the establishment of order at Pietermaritzburg, a portion of the troops can be sent back to resume their duty at Natal.

I have the honour, &c.,

(Signed) J. C. SMITH, Brevet-Major.

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THE HON. H. CLOETE TO HON. J. MONTAGU.

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Port Natal, 25th July, 1843.

SIR,—Having briefly noticed, in my letter of the 22nd instant, the receipt of yours of the 14th, I now answer the various topics embraced in the subjects of that communication.

In again referring to the state of excitement which I had experienced at Pietermaritzburg on my first arrival, I am happy to acquaint you that the seeds of goodwill and allegiance to Her Majesty, which I laboured hard to sow there, do not appear altogether to have fallen upon a barren or ungrateful soil. I continue to receive intelligence, on which I can rely, that everything is perfectly quiet. The German merchants, who were always great alarmists, have sent down orders for goods to be sent up immediately to replenish their stores; and I do not entertain the slightest doubt that, with the demonstration of Her Majesty's troops, which I suggested, and which His Excellency has so readily furnished, so as to enable the loyal and well-affected to come forward and express their sentiments publicly (without the fear of personal violence), that not

only a solemn declaration of their unqualified allegiance will be obtained, but that I shall be able to avert the calamity (the only one I am apprehensive about) that an attack by some lawless miscreants might be made upon the property of the well-disposed, and that the cattle belonging to the inoffensive Zulus, who are wandering by thousands throughout this colony, might be swept away in the flight across the Draaksberg.

This, I confess, is the only fear I entertain, arising from the lawless habits of the people and the utter inefficiency of the executive or civil power; and I feel truly thankful that His Excellency has, both by the issuing of the proclamation of the 14th instant and by the ready despatch of a military force, given every aid to accomplish the entire pacification of this country.

I also feel confident that the stimulus now given by His Excellency's proclamation to the claimants for lands will enable me to proceed with that duty without further opposition.

With regard to that part of your letter in which you express the Governor's anxiety that I should abstain from doing anything which may have a tendency to induce the emigrants to migrate, I need hardly assure His Excellency that, in strict conformity with my instructions, I shall refrain from doing anything which in the remotest degree can tend to agitate the unquiet mass composing the population of this country, and that my every effort has uniformly been, and shall continue to be, directed to settle them down; but I need hardly add that I am utterly powerless beyond advice and entreaty: that the lawless, when disappointed in their expectation of exciting the many, will immediately avail themselves of their liberty to migrate beyond the Draaksberg; and in regard to the most of these I cannot but think that the country will be well rid of them.

Respecting the difference of opinion which has arisen between Major Smith and myself in the interpretation of his Excellency's instructions touching the imposition of customs, I cannot but think that I have failed properly to impress His Excellency with the nature of this question.

The Port of Natal has been administered by functionaries from the Volksraad (before the outbreak in May, 1842) as perfectly as Pietermaritzburg or any other part of the country. The moment that such an entire and unqualified return to their allegiance takes place as will warrant me to allow them to impose any customs, it is self-evident that a magistrate must preserve the peace, and decide the interests of all persons here as fully as before; for it is almost

ludicrous to notice the various anomalous duties which Major Smith has endeavoured to perform in order to keep up the semblance of a civil jurisdiction.

This order of things must necessarily cease: and how duties are not to be levied on goods when landed, but only when they are put in wagons going to the interior—how Her Majesty's troops are to be exempted from any duties while stationed at the port, but to be charged when they march up to Pietermaritzburg, or any other station—and how the shipping agents residing here, who form the entire population of this place—are to be alone exempted from any duties in this community, involves (as appears to me) difficulties which will just create that embarrassment and angry discussion which it is His Excellency's wish to avoid, if possible.

When the time, however, does come that the Volksraad will apply for this means of supplies, I shall enter more fully on this subject, and suggest the mode which it may strike me as the most expedient to adopt as a temporary measure.

I transmit copies of the first letter received by me from the Volksraad, dated the 9th of June, 1843, and of my reply thereto.

I have the honour, &c.,

(Signed) H. CLOETE, H.M. Commissioner.

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#### THE HON. H. CLOETE TO MAJOR SMITH.

Port Natal, 26th July, 1843.

SIR,—Having publicly notified that the time for my receiving and enquiring into claims for lands at this place will expire on the 29th instant, I request you will inform me what days or stages you have fixed for your march to Pietermaritzburg, as I shall be guided accordingly in determining the day I shall quit this and reach that place.—I have, &c.,

(Signed) H. CLOETE, H.M. Commissioner.

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#### MAJOR SMITH TO THE HON. H. CLOETE.

Port Natal, 26th July, 1843.

SIR,—In reply to your note, requesting to know what day has been fixed for the movement of the troops on Pietermaritzburg, I beg to acquaint you that the period must depend on the return of H.M.'s steamer "Thunderbolt," and the tenor of His Excellency's despatches.—I have, &c.,

(Signed) J. C. SMITH, Major.



## THE HON. H. CLOETE TO MAJOR SMITH.

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Port Natal, 26th July, 1843.

SIR,—Utterly surprised as I am at the receipt of your letter just received, I feel it my duty to express to you my disappointment at your not having complied with my application as contained in my letter of the 22nd instant, and therefore to commit to paper my reasons for feeling deeply this disappointment, and for again urging upon you the propriety of complying with that requisition.

Shortly after my return to this place, I laid unreservedly before you the whole of my communications to His Excellency, as far as they related to the state of affairs at Pietermaritzburg. I fully explained to you the anomalous state of the whole country; while I again and again assured you (being fully aware of the responsibility attached to such opinions) that the idea of an attack upon Her Majesty's forces at this place was utterly absurd: and the smallest detachment, with Her Majesty's sloop "Fawn," was quite sufficient to ensure perfect safety to this place; and I fully explained to you that my only fears towards the pacification of the country consisted in the extraordinary state of parties and the so-called government at Pietermaritzburg, and to the northward, where everything was in complete anarchy and lawlessness; and that I therefore felt the advance of a detachment of two hundred men, with a proportionate body of artillery, as essentially necessary to check the lawless there, to encourage the well-affected, and to save them and the Zulus from acts of outrage and violence, to repress which there existed no semblance of civil authority or power.

You were pleased not only to express your general concurrence in these opinions, but even added that they were (in many respects) almost the very opinions expressed by yourself to His Excellency the Governor.

From these communications, you were then aware that an advance of such a force had been urgently requested by me, as indispensably necessary for the protection of the well-affected, and for the preservation of order and tranquillity throughout the colony.

His Excellency having so readily responded to my application, and forwarded such a number of troops as in his opinion were considered sufficient to carry into effect the measures which I had suggested, I addressed you my letter of the 22nd, being anxious to afford you as much time as possible to complete your arrangements

for an advance, which you cannot but be aware is of the utmost consequence should take place some days *before* the meeting of the Volksraad, which is fixed for the 7th August next.

Some time after I sent you that letter, I was favoured with a call on your part, when you certainly—to my great and undisguised astonishment—dwelt upon the difficulties attending such an advance, stating that Pietermaritzburg was seventy miles from here: that you had not a sufficient force to secure your supplies: that you required an additional force of cavalry, and indulged in criticisms upon his Excellency's proclamation which might as well have been spared. I then endeavoured to overrule these objections, and laboured to convince you (if possible) that the country *up to* Pietermaritzburg was as safe as any part of Her Majesty's dominions; but Captain Broke having called during our discussion, and having (with that alacrity which ever distinguishes the service to which he belongs) expressed his readiness to return immediately to Simon's Bay, to carry any communications we might have to make to His Excellency, I concurred with you in accepting such offer, but distinctly informed you that it was with the understanding that the arrangements for the advance would proceed as requested by me.

Not having been favoured with an answer to my letter of the 22nd, I cannot, therefore, but repeat the expression of my extreme surprise that you should now inform me "that the period for your advance must again depend on the return of the steamer 'Thunderbolt.'"

I am, of course, unaware of what other reasons you may have for deferring that movement; but I cannot but state my deliberate opinion that those reasons assigned by you in our interview on the 22nd instant were altogether inadmissible. I suppose His Excellency is fully aware of the force at present under your command, of the distance of Pietermaritzburg, and he has been informed by me of the true state of affairs at that place; so that His Excellency, with that knowledge of those facts, having not only furnished you with a force, in his judgment, sufficient to carry through the measures which I had suggested, and having still further supported those measures by the official announcement contained in His Excellency's proclamation of the 14th instant, I feel myself bound again to call upon you, in conformity with my instructions, to afford me the protection of Her Majesty's forces as set forth in my letter of the 22nd instant; and I cannot but submit for your serious consideration the consequences of your not complying with that requisition.

Whatever line you may adopt on this renewed application on

my part, I shall feel it my duty to be at Pietermaritzburg on the day fixed for the meeting of the Volksraad, whatever may be its consequences, either to myself or to the inhabitants at large; but I had flattered myself that you would have been too well aware of the great crisis which this country is to undergo on that day, not to have withheld from me your hearty concurrence in a measure the responsibility of which I have willingly taken upon myself, being fully aware that it is the only one likely to effect the pacification of the country.—I have the honour, &c.,

(Signed) H. CLOETE, H.M.'s Commissioner.

#### MAJOR SMITH TO THE HON. H. CLOETE.

Port Natal, 27th July, 1843.

SIR,—I have the honour to acknowledge the receipt of your letter of yesterday's date, and in reply beg to acquaint you that any forward movement of troops must depend upon the return of Her Majesty's war steamer "Thunderbolt."

I am making the necessary preparations. I think it right to add that the responsibility of all military movements rests with the senior officer in command; and considering myself solely accountable to His Excellency the Commander-in-Chief for the steps I have thought fit to take, I shall forward him your letter of the 26th instant, together with my own explanations, by the first convenient opportunity.—I have the honour, &c.,

(Signed) J. C. SMITH, Brevet-Major.

#### THE HON. H. CLOETE TO MAJOR SMITH.

Port Natal, 27th July, 1843.

SIR,—I have the honour to acknowledge the receipt of your letter of this day's date, reiterating your determination "that any forward movement of troops must depend upon the return of Her Majesty's steamer 'Thunderbolt.'"

In admitting to the fullest extent that you are only accountable to His Excellency the Commander-in-Chief for the steps you have taken, and in also admitting that you may have many and weighty reasons (which you have not done me the honour to confide to me) for not making this movement, you must allow me to repeat the expression of my deepest regret that you could not have been moved



by the very cogent reasons I endeavoured to adduce to advance a body of Her Majesty's troops to Pietermaritzburg before any meeting of the Volksraad, or of the people from the Draaksberg, could have taken place.

The time I had suggested in my letter of the 22nd instant for Her Majesty's troops to reach Pietermaritzburg was a period when I knew that these troops could (without the possibility of opposition or disturbance) have taken their ground and firmly established themselves during seven days before that fixed for the meeting (the seventh of August); and I felt it of the utmost consequence for (nay, I was perfectly confident of) the success as to the peaceable settlement of the present state of affairs if, by the presence of those troops, the loyal and well-affected could have been encouraged to come forward and express their sentiments, and the lawless and unruly could have been deterred from disturbing the peace of the country during the time of the meeting.

The return of Her Majesty's steamer "Thunderbolt" cannot now, under any circumstances, enable you to make this movement so as to take your ground at Pietermaritzburg for some days before the meeting; and the advance of the troops during the time that the people are assembled there, and during the time of the meeting, would be as injudicious, in my opinion, as it is not to avail yourself of the present opportunity to make this movement.

I therefore take the liberty to request that, if the instructions which you expect from His Excellency, the Commander-in-Chief by Her Majesty's steamer "Thunderbolt" should warrant your advancing to Pietermaritzburg, you will then suspend that movement during the meeting of the Volksraad on the 7th of August, and await any information which I shall do myself the honour of imparting to you as to the result of that meeting, and the expediency of adopting any ulterior measures.—I have the honour, &c.,

(Signed) H. CLOETE, H.M. Commissioner.

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MAJOR SMITH TO THE HON. J. MONTAGU,  
SECRETARY TO GOVERNMENT.

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Port Natal, 27th July, 1843.

SIR,—I have the honour to enclose, for the consideration of His Excellency the Governor and Commander-in-Chief, the copy of a letter which I have received from Her Majesty's Commissioner in

Natal on the 26th instant, in which he has thought fit, in anticipation, to throw on me blame of any failure which may result to his mission in consequence of the postponement of the movement of the troops on Pietermaritzburg; my chief object in writing being to explain the line of conduct I have taken. I make no complaint of this communication, although I cannot help thinking portions of it are couched in language that ought not to be addressed to me. A brief statement of facts will best preface the explanation which parts of his letter call for, and this I shall endeavour to give as shortly as possible.

During the stay of Her Majesty's Commissioner at Pietermaritzburg, I received two communications from him, one dated the 13th, the other the 20th of June, chiefly taken up with details of his reception and progress at that place. With the latter he forwards despatches for His Excellency, to be in readiness for the expected departure of the "Mazeppa," and intimated to me his resolution of being at Natal early in this month.

On the 5th he came; and on my stating my opinion that nothing but a body of troops at Pietermaritzburg would ensure submission, he mentioned to me, for the first time, that he had already applied to His Excellency for a reinforcement of 200 men, with two guns, for the purpose of their being pushed on to Pietermaritzburg previous to the postponed meeting of the Volksraad. Although concurring in the necessity for an augmentation, I was struck with the inadequacy of the force proposed, and on 8th instant wrote a letter to His Excellency expressive of my views on the subject; but no opportunity occurred of sending it until the arrival of the "Thunderbolt."

\* \* \* Had Her Majesty's Commissioner, in his communication from Pietermaritzburg, stated to me that he had made the application in question, the expression of my views on the subject could have accompanied his request, and thus have prevented the difference of opinion which has arisen. This mark of confidence I think I had a right to expect from the frank and cordial manner in which I had met him on his arrival.

The morning following the advent of the "Thunderbolt," Mr. Cloete wrote to me the letter No. 1, upon which I thought it best to have a personal interview with him, and immediately went to his residence. During this I stated that, considering the force wholly inadequate, I must decline pushing it on until it was further reinforced; and Captain Broke and Lieutenant Nourse, coming shortly after, promptly acceded to our request of carrying a despatch from

me to His Excellency, which I left Mr. Cloete to prepare, with the firm conviction that he perfectly understood that no advance would be made until that vessel's return.

In this conviction I think that both Captain Broke and Mr. Nourse must concur; and, in fact, Mr. Cloete followed me to the door to inquire what number of cavalry I intended to propose, and ended with asking me if I would go on meanwhile with the preparations, which I answered in the affirmative. This occurred on the 22nd, on the afternoon of which the "Thunderbolt" put to sea.

On the morning of the 26th I received the Note No. 2, to which I promptly replied; and was surprised, after an interval of several hours, by the receipt of No. 3, which is the occasion of this communication being placed in my hands; for up to that moment I had supposed that Her Majesty's Commissioner and myself were acting in perfect unanimity, although at issue on some points arising out of the different nature of our professions.

My brief reply is marked No. 4. I will now advert to certain passages in the hon'ble Commissioner's letter of 26th instant, and to avoid prolixity have numbered them, and affixed the same numbers to my different replies:—

1. That Mr. Cloete should feel utterly surprised on 26th July at my not having complied with his application seems to me utterly inexplicable. On the 5th instant he incidentally communicated to me for the first time the fact of his having requested more troops. Meeting him on the 10th, he renewed the conversation, when I told him unreservedly my opinion of the inadequacy of the force—which some days before I had stated should not, if possible, be less than a regiment. He then, if I remember right, said he had subsequently written for an augmentation of 600 men. On the 22nd I received his letter (No. 1), and had the personal interview I have already mentioned, at which I clearly gave him to understand that the troops would not move before the "Thunderbolt's" return: he, in fact, being the first to suggest his immediate departure with my letter to Captain Broke.

2. I remember well the hon'ble Commissioner reading me certain portions of his correspondence with His Excellency regarding the state of the country, and that I then considered, as I do now, many of his views judicious. One passage respecting the necessity of a force being stationed at Pietermaritzburg, I remarked was nearly coincident in expression with my own.

3. "Some time after." I waited upon the Commissioner imme-



diately, for I remarked to Captain Durnford, who was present when I received his letter, that when people were living so near one another it was needless carrying on an official correspondence.

“The great and undisguised astonishment” of the Commissioner on this occasion I would have considered strange had I perceived it, since I fully expressed my opinion of the inadequacy of the force he suggested in the conversation I held with him on 10th instant. To the use which he has made of my observations on His Excellency’s proclamation, I shall advert no further than to state that I said then that I thought specifying the number of troops injudicious, and that an adequate force would have been a better word. Had His Excellency been present, I would have expressed myself with equal frankness; and having waited on Mr. Cloete to communicate confidentially with him, I own I feel surprised at the use he has made of the comment in question.

4. “Not having been favoured with an answer.” I considered no reply requisite, having had a personal interview with Mr. Cloete on the subject of that letter, and the concluding portion of this paragraph is sufficiently answered by the details given in my statement No. 1.

With respect to the inadmissibility of such reasons as I thought fit to assign to Her Majesty’s Commissioner for not pushing forward the troops, I may state generally that the informations I have received respecting the state of the country and the intentions of the emigrants, are such as to fully warrant the steps I have taken, and the responsibility I have incurred. I am aware that Mr. Cloete places confidence in the communications of the landdrost, Zietsman: and these, as far as he has the means of obtaining intelligence, may be correct; but as he was particularly attentive to Her Majesty’s Commissioner while at Pietermaritzburg, it is not likely the disaffected will give him their confidence: and his son, who is a member of the Volksraad, is known to be bitter against the Government.

Pretorius (the late commandant) and one Stephanus Maritz the Commissioner imagines he has gained over; but I feel certain he is mistaken in these men, both of whom have been, and are, I believe, still zealous promoters of rebellion. The first was most active in its display on the Commissioner’s arrival at Pietermaritzburg. That the general feeling is inimical to the establishment of British authority can hardly be doubted; and that a small force, instead of repressing, will be the means of inducing, an outbreak I fully believe,—a belief, I may add, not lightly entertained, but founded on some

experience of this people, of whose conduct and feelings I have for a long time been no inactive observer.

In these views there are but few of the inhabitants of Natal, whether civil or military, who do not fully concur.

As regards the responsibility to which Mr. Cloete refers, I am, of course, aware that it belongs to all men who are placed in a public situation; but I consider it one of the most important duties of persons under these circumstances to act upon the dictates of their own judgment, and to depart from their instructions whenever they find them incompatible with the service they are called upon to perform: in other words, to act as they suppose their principal would have acted under the altered circumstances of the case; for, between the issuing of instructions and carrying them into operation, many events may arise to render them not only inexpedient but mischievous.

In this spirit have I acted; and, considering the force proposed as more likely to produce opposition than to put it down, and that if an advantage be now given to the Boers the consequences will be long and bitterly felt, I have thought it right to abstain from acting on His Excellency's proclamation during the short period that must elapse between the "Thunderbolt's" departure and her return—in the meantime making active preparations for an immediate move when that event does take place. In adopting this measure, I can have no other object than the public good; for His Excellency having been generously pleased to show his confidence in me, by continuing me in command with a small augmentation of force, I am perfectly aware that the addition to its numbers which I have recommended must necessarily have the effect of depriving me of it, from the junior nature of the rank I hold.—I have the honour, &c.,

(Signed) J. C. SMITH, Brevet-Major, 27th Regt.

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DESPATCH FROM SIR G. T. NAPIER, K.C.B.,  
TO THE RIGHT HONOURABLE THE LORD STANLEY, SECRETARY OF STATE.

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Government House, Cape of Good Hope,

29th July, 1843.

MY LORD,—With reference to my despatch No. 118, of the 15th instant, acquainting you that I had despatched a reinforcement to Major Smith for the purpose of enabling him to advance to Pietermaritzburg such a force as would effectually repress all tendency to

riot and disturbance in that quarter, and efficiently protect Her Majesty's dutiful and loyal subjects from violence and outrage, I have now the honour to transmit copies of various communications which I received yesterday by Her Majesty's steamer "Thunderbolt," conveying intelligence of the movements of the emigrants up to the 22nd of this month.

From these reports, your Lordship will perceive that there now appears little hopes of the great body of the emigrants at Pietermaritzburg accepting the liberal and advantageous terms which I was empowered on the part of Her Majesty to offer to them,—a result I acknowledge I was far from anticipating, and which has surprised and grieved every well-thinking man in this colony, and more particularly their own countrymen.

Your Lordship will learn from Mr. Cloete's letter of the 4th July that he is in hopes "that the proceedings on the first Monday of August will be marked by a return to good sense and temper," although there is an "apprehension that parties from this and the other side of the Draaksberg will pour in, and by their pressure get the Volksraad to pass certain resolutions in opposition to Her Majesty's Government and authority," and he feels confident that a small military force "would materially tend to prevent the possibility of any act of violence, which the loyal and well-affected still apprehend, and will at once establish the supremacy of Her Majesty's Government."

To what extent this would be the case it is impossible to say; but I confess I am not able to draw, from their bygone proceedings, any such favourable conclusion; for, although Mr. Cloete thinks he "has succeeded with a few in pointing out their folly," still "the great majority continued doggedly determined to shun all intercourse with him;" and in a subsequent letter of the 10th, he remarks that "it is really not just towards the people in general to expect that, with their habits and their avowed feelings of disaffection, I could establish that (Her Majesty's) authority without such a support."

I am rather inclined to agree with Major Smith "that there is every probability of some rebellious outbreak taking place before they separate," and as there are not the means of marching into a hostile country so large a force of infantry and cavalry as are required, your Lordship will be prepared for the failure of Mr. Cloete's mission, by the rejection on the part of the great body of the emigrants of the benevolent and conciliatory intentions of Her Majesty.



Should his mission, however, fail, I shall not regret having sent to them a Commissioner for whose appointment they had themselves applied, or having offered to them terms which no reasonable men ought to have rejected ; for, by such rebellious and obstinate proceedings, they will clearly show that it is rancorous hatred of the British Government, and not any real or imaginary grievances which have led them to adhere to a line of conduct which their own friends deprecate and deplore.

It is perhaps to be regretted that Mr. Cloete had not apprised the Commandant of his intention to apply for a party of troops being advanced to Pietermaritzburg, as Major Smith would by the same opportunity have stated the objections he entertains to move to that place which are detailed in his letter of the 8th, and with reference to which he informs me on the 22nd that nothing has since occurred "inclining him to the adoption of a different opinion," as "on the loyalty of the people little dependence is to be placed."

The reasons which he has assigned are so perfectly satisfactory, that I have no hesitation in saying that he has exercised a sound discretion in awaiting further instructions ; but the reinforcement is well-timed, as he will now be enabled to keep the port of Natal and the adjacent ground against any force which an enemy without discipline or artillery can bring against him.

I have requested Rear-Admiral Percy to send the "Thunderbolt" back to Natal as soon as she has undergone some slight repairs ; and on her return I shall be enabled to report to your Lordship the result of the meeting of the 7th of August, at which I hope Her Majesty's Commissioner will not attend, unless the feelings of the people towards the Government have in some measure improved.

When possessed of the necessary information in this respect, I shall enter into the whole subject, under its altered circumstances and very unsatisfactory aspect.—I have the honour, &c.,

(Signed) GEORGE NAPIER.

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REAR-ADMIRAL THE HON. J. PERCY  
TO THE HONOURABLE SIDNEY HERBERT, M.P., &c., ADMIRALTY.

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"Winchester," Simon's Bay, 30th July, 1843.

SIR,—Her Majesty's steam vessel "Thunderbolt" returned to the Bay from Port Natal on the 28th instant, having arrived there and safely disembarked her troops and artillery on the 21st, and left

again on the following day, at the request of the authorities, with despatches for the Governor.

Commander Broke reports that everything was apparently quiet at Natal when he sailed, and that neither the Commissioner nor the Commandant of the troops apprehended any serious consequences from a meeting of the Boers which was convened for the first week in August; at the same time, to enable our troops to advance upon Pietermaritzburg, they considered that a further reinforcement of 200 men and a body of cavalry was absolutely necessary to do so.

The Governor, however, informs me that the despatches received from Mr. Cloete and Major Smith are anything but satisfactory; and he has therefore requested that the "Thunderbolt" may return immediately to Natal with his answers, and to take a few more of the 45th Regiment to complete the two companies there to 200 men. She will consequently leave this place for that destination on the 3rd of August.

It appears that "Mocke" had arrived near Maritzburg with 400 armed Boers, and that (although probably exaggerated) "Rudolph" was daily expected with 1,500 of these people,—which circumstance, His Excellency states, has so altered the state of affairs at Natal as to render it hazardous to leave the port, Major Smith requiring at least 500 men to move on Maritzburg; but as the position of our troops at the camp at Natal is now so much strengthened, there is very little probability of any attack being made on the settlement by the Boers.—I have the honour, &c.,

(Signed) J. PERCY.

#### LETTER TO THE HON. H. CLOETE.

FROM G. J. RUDOLPH, COMMANDANT, PIETERMARITZBURG, J. W. L. KOCK,  
COMMANDANT, F. G. MOCKE, COMMANDANT, AND 19 OTHERS.

Pietermaritzburg, 30th July, 1843.

SIR,—We, the undersigned, Commandants of the Emigrants, have seen a Proclamation wherein His Excellency the Governor, G. Napier, has empowered Major Smith to march with troops to Pietermaritzburg, in order to maintain peace and tranquillity; and as we have now arrived, in pursuance of a summons, to hear what you have to say to us on the first Monday in August, we have to request, in the name and by desire of the public, that you will come unaccompanied by troops, in order to avoid unnecessary collision or unpleasantness, and that you may do so in safety we personally pledge ourselves.

### MAJOR SMITH TO SIR GEORGE NAPIER.

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Port Natal, 30th July, 1843.

SIR,— \* \* The latest intelligence I have obtained describes Pietermaritzburg as being in a state of utter disorganisation. My informant, Mr. Coqui, came to Natal on 28th instant, with his family, being afraid to remain there, so violent are the people against all whom they suppose friendly to British interests. The chiefs, Potgieter, Mocke, Schultz, and Erasmus, were at Blok-hans,\* one day's ride from Pietermaritzburg, with their people. The amount of this force was variously estimated, but thought to be considerable.

In a recent letter, I alluded to the mischief caused by letters being written to Boers from the colony, exciting them to resistance. These, Mr. Coqui stated, are frequently received; one Vermeulen being active in this treasonable correspondence. A letter from Holland, he added, came by the "Thunderbolt," to whom addressed he knows not. In it the writer expressed his surprise that his countrymen should have submitted to British authority.

On the day the proclamation reached Pietermaritzburg the remainder of the powder was distributed. I fear if energetic measures are not taken to put down the rebellion it will lead to disaffection in the colony, where these misguided people have many friends.

I have the honour, &c.,

(Signed) J. C. SMITH, Major.

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### MAJOR SMITH TO SIR GEORGE NAPIER.

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Port Natal, 31st July, 1843.

SIR,—I take the opportunity of adding a few notes to the letter I had the honour to address to your Excellency yesterday, the boat about to put off to the "Louisa" waiting for the purpose.

I should have mentioned that it is the intention of the Boers to prohibit communication between Natal and Pietermaritzburg; and it is thought they have already done this, no arrivals having lately reached the port.

Mr. Lindley has sent his family down, but intends to remain as long as he safely can at Pietermaritzburg.

Means of transport I find it exceedingly difficult to procure, and

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\* (?) Blaauw-Krantz.



think that twenty wagons will be the utmost available—if, indeed, so many can be had; for leaders and drivers are unwilling to hire themselves, being afraid of the consequences. Horses cannot be had for purchase (save two or three); but, fortunately, a few unclaimed ones remaining with the troops enabled me to horse the second gun.

I shall make every exertion to complete the necessary arrangements.—I have the honour, &c.,

(Signed) J. C. SMITH, Major.

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### NATAL.—THE “BRAZILIA.”

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LEGISLATIVE COUNCIL, CAPE TOWN, 31ST JULY, 1843.

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The GOVERNOR said: Before entering on the business of the day, I wish to state, in consequence of various rumours which I understand are prevalent abroad with reference to the stoppage and sending back the Dutch vessel, the “Brazilia,” that in the first place Major Smith has my full approval of what he has done in not allowing the Dutch clergyman and schoolmaster to land under the circumstances stated in the extracts from his despatches which I shall now read to this Council; and, further, that according to his orders Major Smith could allow no ship to land cargo at Natal until that ship had first touched at one of the ports of the colony and obtained permission from the Customs to trade. These extracts will make the Council fully aware of what Major Smith did; and I repeat that his conduct throughout has my entire approval. In a letter dated Port Natal, May 10th, 1843, addressed to myself, Major Smith writes thus:—

“I have the honour to acquaint your Excellency that a large schooner, under Dutch colours, anchored in the outer bay on the morning of the 8th instant. On being boarded by Lieutenant Nourse, she proved to be the “Brazilia,” Captain Reus, who, accompanied by the supercargo (Smellekamp), came on shore with the papers of the vessel. Those which appeared to me authentic were the trading licence from the Dutch Government, a bill of health, and a muster roll of the crew, with printed instructions. By the former (a document on parchment, with the arms of Holland), it appears that he cleared out from Rotterdam for the Mauritius on 8th February in the present year, there being no allusion to this place whatever, except in the heading of the manifest, which stated that she was to

trade on the Eastern Coast of Africa. But although this paper was dated at Rotterdam, it bore no other signature than that of Smellekamp, the supercargo, and was, therefore, of but little authority.

\* \* \* \* Four passengers were on board, viz., a clergyman and his wife, a schoolmaster, and an assistant trader; the latter having accompanied Smellekamp to aid him in carrying on the business they proposed. \* \* \* \*

Sending, therefore, for Captain Reus and the supercargo, I told the former that I could not permit him to land goods at Natal unless cleared out from a port in the colony; neither could I allow his passengers to come on shore unless the authority of the Colonial Government was first obtained.

\* \* \* \* The names of the passengers were as follows (and I think it right to add that their passports were made out for England, and bore no reference to this place whatever): P. N. Ham, minister; A. H. Nebbing, wife; L. Marlman, schoolmaster; P. S. A. Kervel, assistant to merchant."

The GOVERNOR added: It will be seen from the extracts which have now been read that these persons, having obtained passports from their own Government to go to England, got into a ship under a manifest to go to Mauritius, and then came to Port Natal,—facts which, I think, fully bear out Major Smith in everything he did.

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#### THE HON. H. CLOETE TO THE HON. J. MONTAGU.

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Port Natal, 31st July, 1843.

SIR,—The time expired on the 29th instant which I had publicly notified for preferring, before me, claims to land at this place and to the eastward, towards the Tugela.

These claims have been most readily brought in (I believe) by the whole of the occupiers of lands within that range; and my only difficulties have consisted in having to decide among the many conflicting interests which were brought forward in respect of the claim made by each party. The decisions which I have come to, subject to Her Majesty's approval, will be fully set forth in the report on the subject of these claims, which I am at present preparing, but which I cannot complete without reference to certain documents connected with the sales of the building lots at this place, of which I can only obtain inspection at Pietermaritzburg. I shall not fail to forward that report the moment it is completed.

It now becomes my painful duty to represent to His Excellency

that the hope which I had fondly cherished of effecting a peaceable and satisfactory settlement of affairs here, in the very spirit of Her Majesty's benevolent views, and which, in my letters of the 10th, 19th, and 20th of June last to His Excellency, I so confidently expressed my opinion of being able to effect, if I could be supported by the presence of a detachment of troops at Pietermaritzburg, and by the moral influence of a proclamation of His Excellency, setting forth the object of such an advance, is for ever annihilated by the unexpected determination which Major Smith has announced to me, in a letter of the 26th instant, "that he would not make any movement of troops upon Pietermaritzburg until the return of H.M.'s steamer 'Thunderbolt.'"

This determination has so entirely destroyed every prospect I had entertained of restoring this country to a state of peace and good order, and will have such influence on the proceedings which will take place during the next month, that I feel it my duty to enter into a full detail of every circumstance connected with my application for this support, and the plea under which it has been withheld.

Soon after my return from Pietermaritzburg (from where I had regularly kept Major Smith acquainted with everything that there took place), I availed myself of a visit he paid me unreservedly to lay before him everything I had written to His Excellency and yourself touching the extreme importance of marching a body of troops up to Pietermaritzburg, to be there before the approaching meeting of the Volksraad. I detailed to him at great length the extraordinary character of the excitement I had to contend with at that place; I assured him that I had ultimately succeeded in allaying the ferment which had existed there, that the loyal and well-affected were now disposed to express their sentiments, and that my only fear was that a violent and lawless party from the other side of the Draaksberg might, by threats of violence, drive these persons from their post during the approaching meeting; and that I therefore looked with intense anxiety to the mode which His Excellency would adopt, and the time he would require, to enable me fully to carry this great object into operation. After perusing the whole correspondence, Major Smith not only expressed his entire concurrence with everything I had written, but added that many sentences almost contained the very opinions he had expressed to His Excellency, and that he also conceived that the time would soon come to fix the headquarters at Pietermaritzburg.



Having thus fully acquainted Major Smith with every opinion I had expressed,—having dwelt particularly, and at great length, upon the extreme importance of making this movement, one of protection to the loyal and well-affected, and not of military attack, and gratified beyond measure by the arrival of H.M.'s steamer "Thunderbolt" at the readiness and despatch with which His Excellency had strengthened the detachment here, and had afforded me the powerful aid of the proclamation of the 14th of July instant,—I addressed a letter to Major Smith on the 22nd instant, in conformity with my instructions, requesting him to afford me that assistance which His Excellency's proclamation had announced, and that he was now empowered to render, and thus to co-operate with me in the manner set forth in that proclamation: to repress all tendency to riot and disturbance at Pietermaritzburg, to protect Her Majesty's loyal subjects thus, and thus to establish peace and good order throughout the country.

Shortly after I had sent off this letter, I was favoured with a call from Major Smith, and the substance of our discussion on that occasion is fully set forth in my letter to that officer of the 22nd instant, as I thought it right to submit to him the substance of our interview, so as to enable him to give His Excellency any explanation he may think proper to offer; I shall, therefore, merely add, that the difficulties which he represented to me were as follows:—

First. The distance from Pietermaritzburg being seventy miles! To this I replied that I concluded His Excellency was fully aware of that distance.

Second. The fear of getting and keeping up his supplies. To this I replied that, with the exception of one dry bed of a river thickly beset with mimosa and jungle, called the "Uys Doorns," situated about six miles from Pietermaritzburg, the road was perfectly clear and open; and that from the loyal and well-disposed character of every individual on that road, I was sure he would receive every support and assistance, instead of dreading any attack or surprise.

Third. He thought his force insufficient. To this I replied that if he conceived the number of two hundred men, as requested by me, to be insufficient, he might easily (with H.M.'s steamer "Thunderbolt" and the "Fawn" lying here to protect the Point, and having fully five hundred men under his command,) increase the force to three hundred or even four hundred men, without the slightest risk or danger at Port Natal.

Fourth. He required additional cavalry, to keep up his communication and pursue the farmers if required. To this, again, I replied that (admitting the value of this arm for the security of the country) I had also expressed to His Excellency the importance of getting such an accession of force, with reference to the general state of the country, but that this was not the immediate object of this movement: that its object was fully set forth in His Excellency's proclamation, to which I referred at length as explaining that object, which was only "to repress all tendency to riot and disturbance in that quarter (*i.e.*, Pietermaritzburg), and efficiently to protect Her Majesty's dutiful and loyal subjects from violence and outrage." To this Major Smith only replied by indulging in various criticisms on His Excellency's proclamation, stating that he considered the proclamation as injudicious, and that he regretted its promulgation.

When we had reached thus far in discussing the merits of the difficulties he had started, Captain Broke, of H.M.'s steamer "Thunderbolt," called, who, upon hearing these difficulties repeated before him, at once expressed his readiness to return to Simon's Bay the same afternoon and lay them before His Excellency, to which I stated I could have no objection; but I begged Major Smith distinctly to understand that I did so in the full reliance that the arrangements would continue to be made to effect this movement, as the "Thunderbolt" was sure to be here again during the advance of the detachment.

In the confident anticipation of such a movement, I addressed you my letters of the 22nd and 25th instant; but not receiving a formal answer from Major Smith to my letter of the 22nd, nor even to a note of the 24th, in which I had alluded to our advance, I continued in the fullest assurance that every arrangement was making to march the troops about the same time that I would conclude my labours here; and as I was extremely anxious to arrive at Pietermaritzburg, if possible, together with the troops, in order there to explain His Excellency's proclamation, I addressed Major Smith a note on the 25th instant, requesting him to inform me of his movement, when the laconic reply of the same date informed me, "that the period of any movement of troops must depend on the return of H.M.'s steamer 'Thunderbolt' and the tenor of His Excellency's despatches."

My surprise and regret at this extraordinary announcement are so fully set forth in the answer which I immediately sent thereto, that I shall merely observe that I endeavoured by that letter still to urge every argument, short of entreaty, to induce Major Smith

(while it was still practicable) to attain the great object of placing the troops in position at Pietermaritzburg before any bodies of armed men could have made their appearance there; as if they did intend to advance, it was evident they would not make their appearance there more than two or three days before the meeting.

The reiterated determination of Major Smith not to move, has now and for ever prevented the possibility of their accomplishing the great object which Her Majesty's Government so manifestly had in view, and the attainment of which was within my grasp, by the mere display of a power capable of ensuring protection to the loyal and well-disposed inhabitants. While the lawless and violent will now obtain the "initiative" in the occupation of Pietermaritzburg, while angry and violent discussions will there rage unchecked, and the passions be strongly excited, a movement of Her Majesty's troops during the very time of these discussions would now be as injudicious as it was (in my opinion) not to occupy the vantage ground when left open for occupation; and I have therefore felt it my duty now to request Major Smith not to make this movement during the very time that the meeting takes place, as this would only afford a pretext for the lawless to break out into acts of open outrage and violence, and escape to the Draaksberg before Her Majesty's troops could possibly reach Pietermaritzburg. In short, the golden opportunity is now gone by and past for ever, and I must content myself with hoping that an all-omnipotent Providence may yet watch over the fate of this unhappy and distracted country, and avert those evils which a little human foresight and judgment might have been sufficient to check or eradicate.

I feel so deeply the importance of this great crisis to the state of this country, that I dare not absent myself from Pietermaritzburg during these discussions. I feel that confidence in the influence which I have already succeeded in establishing over many, that I still hope that my presence may tend to check much evil, and hold out some encouragement to the loyal and well-affected to come forward and express their sentiments without fear; but, whatever may befall me or this country in general, I feel it an imperative duty I owe to Her Majesty, whose benevolent views I have been so anxious to carry into effect, and to His Excellency, who was pleased to appoint me, as the humble instrument for carrying out those intentions, thus to record it as my deliberate opinion, as I shall declare with my latest breath, that to this determination of Major Smith not to comply with what I had a right to demand from the tenor of my instruc-



tions, with what I had a right to expect from his previous delivered opinions, and more particularly after the assistance which His Excellency so readily and opportunely furnished for the purpose, I shall ascribe every calamity which this colony or its inhabitants may suffer before an entire pacification of the country can now take place.

Having thus felt it my duty fully to record my opinion on the unexpected determination which Major Smith has taken not to afford me the protection required to ensure the safety of the country, I shall take leave to observe, in regard to the only ground which he has thought proper to take for withholding that support, namely, "that he is accountable only to His Excellency the Commander-in-Chief," that this plea appears to me to be not only evasive of the question at issue between us, but also most unsatisfactory, for I have never thought for a moment to question that accountability; but my endeavours were directed to submit to his better judgment: that in this instance he had himself fully expressed his entire approbation of the measures which I had suggested for attaining the object we both have in view: that His Excellency the Governor, in his twofold capacity as Governor and Commander-in-Chief, having approved of the means which I had suggested for attaining this desirable object, and his having previously been made fully aware that the reinforcement requested for might be instantly expected, I could not but be surprised at his (after the arrival of this reinforcement) stating objections which must have presented themselves to His Excellency's mind when he authorised this advance; and when these objections were unanswerably refuted, that he should have impugned or reflected upon a solemn proclamation issued by His Excellency, from which I anticipated the happiest results.

In now transmitting to you, for His Excellency's information, the whole of the correspondence which has taken place between Major Smith and myself on this subject, I need hardly, in conclusion, express the very deep regret which I (for many reasons I need not now more fully refer to) have felt at having to animadvert thus strongly upon the course pursued by Major Smith. My previous correspondence with His Excellency and yourself will, I am sure, fully show that I have distinctly laboured rather "to extenuate than to set down aught in malice."

That I have willingly and with sincere gratification expressed to His Excellency and recorded the favourable testimonies which I had heard from everyone at this place as to the manner in which he has discharged the many and arduous duties which were thrown

upon him; but in a matter of this vital importance to the interests of this country, to the great measure of humanity, justice, and conciliation which Her Majesty has so strongly manifested a desire to carry out, I should be unworthy of the high trust with which I have been honoured if I allowed considerations of a private or personal nature to weigh one feather in the balance of the duty I owe to Her Majesty, thus fearlessly to express my sentiments on a want of co-operation which, I plainly foresee, will lead to the most disastrous results, and expose this country to all the horrors of a civil war.

I have the honour, &c.,  
(Signed) H. CLOETE, H.M. Commissioner.

### LETTER FROM THE HON. H. CLOETE

TO MESSRS. G. J. RUDOLPH, J. W. L. KOCK, F. G. MOCKE, AND THE  
OTHER COMMANDANTS AND FIELD CORNETS, PIETERMARITZBURG.

Port Natal, 1st August, 1843.

SIRS,—I have the honour to acknowledge the receipt of your letter dated Pietermaritzburg, 31st July, and to state in reply that, placing perfect confidence in the situation which I fill, the object with which I am charged, and in the persons for whose interests I am here at present, I had already made the necessary preparations to leave this place on Friday next, and that I shall consequently be at Pietermaritzburg on Saturday afternoon, about 3 o'clock, in order to speak with you concerning the important meeting which you are about to hold on the following Monday.

I had also previously requested Major Smith not to send any troops to Pietermaritzburg during the meeting; and as I shall again acquaint him with your request, I can thus at once give you the assurance that no marching or despatching of troops will take place during that meeting without absolute necessity,—I have, &c.,

(Signed) H. CLOETE, H.M. Commissioner.

### LETTER FROM A. W. PRETORIUS TO HON. H. CLOETE.

Pietermaritzburg, 1st August, 1843.

SIR,—By this opportunity, I am enabled to acquaint you that I have had the honour to converse with the people from behind the mountain and others. They wish to see you, on the appointed day,

unaccompanied by troops; and they agree with me to guard against all disturbances, and to assist in maintaining peace and tranquillity for all parties.—I have, &c.,

(Signed) A. W. PRETORIUS.

THE HON. H. CLOETE TO MR. A. W. PRETORIUS.

Port Natal, 1st August, 1843.

SIR,—I have the honour to acknowledge the receipt of your kind letter, and to inform you that I know my countrymen too well, and am too well convinced of their feelings towards me personally, to hesitate for a moment to come. On the contrary, I have felt it my duty not to keep back from you, and have therefore already sent my goods this morning with the wagon of Potgieter.

I shall be in the village on Saturday afternoon, where I shall be happy to see and receive every one of my countrymen.—I have, &c.,

(Signed) H. CLOETE, H.M. Commissioner.

LETTER FROM HON. J. MONTAGU TO HON. H. CLOETE.

Colonial Office, Cape Town,  
2nd August, 1843.

SIR,—On the 28th ultimo I received your letters of the 4th and 22nd of that month, respecting the emigrant farmers in the Natal territory, and on the same day the Governor received your letters of the 4th and 10th July addressed to himself, the receipt of which he has desired me to acknowledge.

He does not consider it necessary to offer at present any observations upon your letter to me of the 4th of July, but he will do so as soon as he is apprised of the determination of the emigrants in regard to their allegiance to Her Majesty's authority after their meeting of the 7th instant; but, referring to your letter of the 22nd July, I am instructed to inform you that if His Excellency had had the additional troops you apply for at his disposal, it must have been impracticable for them to have reached Natal, to have been used in the manner suggested, by the 7th instant, in time for the meeting appointed for that day, since H.M.'s steamship "Thunderbolt" could not be prepared to leave Simon's Bay until the 4th instant.

Major Smith, in his communication to His Excellency the Com-



mander-in-Chief, has fully explained his reasons for taking upon himself the responsibility of not complying with your requisition upon him for 200 of the troops to accompany you to Pietermaritzburg on the 7th instant; and in order that you may be aware how entirely His Excellency has approved of the course Major Smith pursued on that occasion, I am directed to enclose, for your information, copy of the communication which has been made to him on that subject.

As this communication cannot reach you before the meeting of the 7th instant, His Excellency is unwilling to anticipate the result of it by giving you any instructions, even of a conditional character, until he hears from you again; but his anxiety to learn every particular of the intentions and feeling of the emigrant farmers will be very great; and the moment he receives your next despatches you shall have such detailed and specific instructions for your future guidance as circumstances may render necessary.—I have, &c.,

(Signed) J. MONTAGU,

Secretary to Government.

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[Enclosure.]

SIR GEORGE NAPIER, K.C.B., TO MAJOR SMITH.

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Government House, Cape Town,

2nd August, 1843.

SIR,—I have the honour to acknowledge the receipt of your letters of 8th and 22nd ultimo, stating the grounds upon which you declined to comply with the requisition of Her Majesty's Commissioner to move forward a body of troops to Pietermaritzburg. Your objections are so conclusive, that I have no hesitation in saying that you exercised a sound discretion on the subject, and therefore I relieve you from all responsibility, so far as regards your not having carried my instructions into effect.

I approve of your having the reinforcements which were sent by H.M. steamer "Thunderbolt" in your present position at the port, it being quite impossible for me to detach so large a force of infantry and cavalry as would be required to render a forward movement to Pietermaritzburg a prudent measure.

It is almost unnecessary for me to observe that at this distance I cannot give you any but general instructions for your guidance, and even these may not at times be applicable to the circumstances which occur.

Much, therefore, must depend upon yourself; and you will distinctly understand that, in all military movements you may deem it expedient to make, you are to act upon your own judgment, unfettered by the suggestions or requisitions of the Commissioner, as to you alone I look for explanations on these points, and hold you responsible for the honour and safety of Her Majesty's troops committed to your guidance and under your command. At the same time I send you nineteen men of the 45th Regiment, which will complete the two companies to 100 rank and file each; and as from your letter of 8th ultimo I gather that without this reinforcement you considered your position secure in the event of an attack being made, I now conclude that the force under your command for the protection of the port, Natal, is amply sufficient to meet every emergency.—I have, &c.,

(Signed) GEORGE NAPIER.

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THE HON. H. CLOETE TO THE HON. J. MONTAGU.

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Port Natal, 3rd August, 1843.

SIR,—The detention of the "Maid of Mona," which intended sailing on the 1st instant, enables me to announce the arrival, on the evening of that day, of a messenger from Pietermaritzburg, bringing me a letter signed by Commandant Rudolph and twenty-one other persons, styling themselves commandants and fieldcornets, requesting me personally to attend at the approaching meeting on the 7th instant, pledging themselves for my safety, and at the same time requesting that Her Majesty's troops might not march up to that place during the time of their holding their meeting, for fear of any collision or any unpleasant occurrences taking place on that occasion. The same messenger brought me a letter from Mr. Pretorius, also to the same effect, and expressive of his hopes that the people would be peaceable and orderly.

I had already, on the 27th ultimo, expressed to Major Smith my apprehensions that, now that the opportunity had been lost of taking possession of Pietermaritzburg before the arrival of these persons, it appeared to me highly expedient to suspend any forward movement of troops until the result of that meeting should become manifest; and I have therefore, in my answer to their letters, stated that I had already determined, before its receipt, to be present at Pietermaritzburg during the meeting; that I would now be more strongly induced

to attend ; and that I would convey their request, and their fears of any collision with the troops, to Major Smith, who I hoped would be induced to defer any forward movement, unless compelled by some urgent necessity.

I did myself the honour of immediately conveying the purport of the communications received by me to Major Smith, whose answer in acknowledgment expresses "that every attention shall be paid to my suggestion which may be consistent with his duty, with the instructions of His Excellency, and with the state of the country."

Although I regret to observe the very vague expressions in which my urgent request has thus been noticed, I only hope that no circumstance may now occur which in the opinion of Major Smith may render a forward movement necessary ; for this alone is now wanting to render all hopes from any conciliatory measures utterly abortive, and necessarily to plunge the whole country in the horrors of a civil war.—I have the honour, &c.,

(Signed) H. CLOETE, H.M. Commissioner.

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MAJOR SMITH TO SIR G. NAPIER, K.C.B.

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Port Natal, 4th August, 1843.

SIR,—As the "Maid of Mona" purposes sailing to-morrow, I avail myself of the opportunity to impart to your Excellency such information as has reached me subsequent to my communication of 30th ultimo. On the 31st I received from Mr. Cowie the letter No. 1, which I enclose ; and as his residence at Salt River, some twelve miles from Natal, is close to the Pietermaritzburg road, where those going to or returning from that place are in the habit of calling, it is well situated for obtaining information. On the following morning Mr. Landman arrived, bringing me a message from his father, fully corroborative of the statements contained in Mr. Cowie's letter. Concurring testimonies from various other persons lead me to believe that the above information is in substance correct.

As connected with the postponed advance of the troops, I think it right to acquaint your Excellency that I received a letter from Her Majesty's Commissioner on 27th July, expressing a wish that no move should be made on Pietermaritzburg on the return of H.M.'s steamer "Thunderbolt," which he now considered too late ; but that it should be put off till the result of the August meeting was known. At 4 p.m. on 1st instant, the hon'ble the Commissioner again



addressed me, and in his letter the following paragraph occurs:—"I have this instant received a special messenger from Pietermaritzburg, bearing a letter from the Commandant G. Rudolph and twenty other persons, styling themselves commandants and fieldcornets, requesting my personal attendance at Pietermaritzburg during their meeting of 7th instant, and requesting that I may come there unaccompanied by any troops, to prevent any unpleasant consequences." He concludes by saying that this suggestion was in unison with his own opinion, and reiterates the expression of his own opinion that the troops should not move until the result of the meeting was known,—a wish again repeated in a note written the day previous to his departure. To this suggestion I informed the Commissioner every attention should be paid, unless circumstances might result to render a departure from it necessary; but in allusion to the passage I have quoted from this letter, I could not avoid expressing my surprise at the assured dictation of those to whose communication he referred. That any danger will be incurred by Her Majesty's Commissioner in going thus unattended, I do not believe; for I am well aware of the motive of the Boers in desiring his presence at their meeting. They are anxious that an accredited officer of the Government should hear them express their declaration not to be British subjects, the meeting having been postponed solely for the purpose of collecting as many of the disaffected as possible, in order to give apparent weight to their determination. When I arrived at Natal, a similar attempt was made to induce me to hear what people had to say, which I declined being present at, unless they first acknowledged themselves to be British subjects.

Before I conclude, I would wish to make a few observations on the hon'ble Commissioner's expressed belief that the country is perfectly safe from the Tugela to the Umzimkulu, and from Natal to within four miles of Pietermaritzburg. With the exception of the native inhabitants, the country he indicates is comparatively uninhabited, the disaffected having congregated at or near Pietermaritzburg. Were the Boers residing on their farms, I should apprehend little danger from an outbreak; but they have been removing from them for some time past,—a fact indicated in one of my letters to your Excellency as far back as April 27.—I have the honour, &c.,

(Signed) J. C. SMITH, Major.

P.S.—The enclosed has just been placed in my hands, the writer earnestly requesting that his name may be kept secret.

[Enclosure.]

MR. W. COWIE TO MAJOR SMITH.

Salt River, 31st July, 1843.

SIR,—I write to give you the latest news I have from Pietermaritzburg. On the receipt of the proclamation there, 2,000 lbs. of powder were served out to those who had none, and Commandant Rudolph started off that same night to Bluekrantz River, near Weenen, where the commando then was. Between 700 and 800 men are now at Pietermaritzburg—Moeke with nearly 500, and Hendrik Potgieter with 300 men. They proposed pitching their camp at “Uys Doorns,” where it was about the time Colonel Cloete went up last year, about six miles from Pietermaritzburg. An express has been sent behind the Draaksberg for more people to come over as quick as possible. I received one of the latest proclamations from the Commissioner. His Honour writes me that he had lately received accounts from Pietermaritzburg that everything was quiet there. I am sorry to say that he is deceived; for I know for certain that it is quite the reverse. It is very difficult now to get at the truth; but that is certain that a large force is at Pietermaritzburg. I have heard that large quantities of brandy have been brought from beyond the Draaksberg. It is whispered that propositions have been made that, in case the troops move up, the spirit is to be put in their way in order to intoxicate them, by which means the Boers will the more readily gain their object. Having heard this, I merely mention it. I should have been down ere this, but I caught a severe cold. The greater part of the people at Pietermaritzburg would have submitted, only for the Draaksberg Boers having come over.—I have, &c.,

(Signed) W. COWIE.

[Enclosure.]

MR. W. COWIE TO MAJOR SMITH.

Salt River, 27th July, 1843.

SIR,—I beg to inform you that two men from the Orange River were at my house this morning. I have received a deal of information from them respecting the Boers' commando. 800 men are at and in the vicinity of Pietermaritzburg. The two men mentioned (Boers) are come with the commando. They have 1,100 horses with them. They speak very lightly of the troops going to Pietermaritzburg, and say they will resist them on the way. They are determined to resist the troops, and, should they lose the day, then their

plan is to trek inland, as far as they can go. Many of the people of Pietermaritzburg are preparing to leave it until this affair is settled, as the people from Draaksberg threaten them to burn the place rather than see it in possession of the English.

The two people in question are down to Natal. They say they have never seen the bay, and are anxious to see it. That is false, for one of them I know. He was at Natal last year. They made great inquiries about the troops that came last, the number, and whether they had brought horses with them or not. I write in haste. I shall be in Natal to-morrow, when I will give you more information. I am rather uneasy with regard to my own safety, now that they are at Pietermaritzburg. I send this by my brother-in-law, who is at Ferreira's with mealies.—I beg to remain, &c.,

(Signed) W. COWIE.

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[Enclosure.]

MR. G. C. CATO TO MAJOR SMITH.

Port Natal, 3rd August, 1843.

SIR,—I beg to state that Philip Raath arrived to-day from his farm near Pietermaritzburg. He says he was in that town on Friday last, and that when His Excellency's proclamation received per "Thunderbolt" arrived there, a meeting was held immediately at night: that Fick started for the Boer camp at Doornkop; that 1,900 lbs. of powder were issued to the people, and their cannon removed to the blacksmith's shop for repairs; that the Boers in all directions have moved hither into camps or the town; and that he firmly believes that had not the troops arrived the Boers would again have attacked the camp; or had 200 or 300 gone to Pietermaritzburg, the Boers would have resisted.

Pretorius is again commandant, and he is purchasing slaughter cattle for their use, expecting them to be under arms until January next.

It is Raath's opinion that there are several fresh arrivals of Boers from the colony. One J. Potgieter is sent for by them to be confined for stating his opinion in favour of the British too freely.

I am, sir, &c.,

(Signed) G. C. CATO.



## SPEECH OF MR. P. ZIETSMAN,

MEMBER OF THE VOLKSRAAD (NATAL) AT THE MEETING OF THAT BODY  
ON 7TH AUGUST, 1843.

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[From the "Zuid Afrikaan" (Cape newspaper), 13th October, 1843.]

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Honourable Chairman: As you have been called to the chair by the majority of the meeting to maintain the necessary tranquillity and order, as well here as out of doors, I deem it desirable, before proceeding to business, to address you on some necessary points.

The business which will this day occupy us is certainly the most important the Honourable Council have as yet had to perform, and will inevitably tend to our future happiness and welfare, or to the ruin of ourselves, our children, and grandchildren. It is indisputably certain that Her Majesty's Government have taken possession of the country of Natal, according to proclamation issued by Sir George Napier on the 12th May, 1843, as a British settlement: that Her Majesty's Government has sent the Honourable Mr. Cloete hither to make him, as Her Majesty's Commissioner, fully acquainted with our wants, and to allow us certain privileges whereby our best interests may be promoted. But I am convinced that in our community there exists a difference of opinion, in regard to that proclamation, of such a nature as makes it necessary for us, before proceeding with our business, to deliberate thereon. It is not my object, honourable Chairman, to dictate to you in what manner you, as one of the defenders of our cause, should address the public; but it is my anxious wish to remind you that, in the critical circumstances in which we are placed, we highly need the assistance and co-operation of every sensible man. I fear there will exist prejudices and enmity against some, because they probably differ in opinion from the generality of the people; but should there still exist such a division among us, it must be immediately removed, and we must as one body proceed to the business which our duties will absolutely demand from us. The community which we now represent are composed of respectable men, and we should therefore have no doubt that they will show us the respect and attention which they owe to us. I have heard many arguments amongst the public concerning the proclamation, and our submission to British authority. About these points we must deliberate judiciously; for, should we refuse it, nothing but scenes of blood and the most inevitable misery will be

our fate. Let us control our passions. Let us, like men and heads of families, so conduct ourselves that we may obtain the approbation of all civilized nations. And let us conduct our proceedings in a manner so becoming and so peaceable, that our posterity may consider it as the most memorable in the annals of Natal. We must all still remember that, by the negotiation of the Council (Volksraad) with Colonel Cloete on the 15th July, 1842, we are subject to the authority of Great Britain; and we will, therefore, now have to consider whether we are bound to acknowledge that authority or not.

Above all, let us not listen to advice and opinions arbitrarily given without reason: let us look forward to the measures which would attend us, were we to provoke a Power like that of Great Britain. Let us banish all prejudices, and consider the sensible advice of the editor of the *Zuid Afrikaan*, in his number of 27th July, 1843, and we shall find that that gentleman, who has ever proved our countryman, and a true friend to us, has in that leading article given us, in a most feeling and impressive manner, the most sincere and well-meant advice.

I could argue with you, Mr. Chairman, for hours on this subject; but I see that I have already trespassed too much on our meeting. I shall, therefore, make no further observations on that subject, but await the steady co-operation of our fellow-citizens, as the only prospect of ensuring to us that future tranquillity which is dear to every human being.

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#### MAJOR SMITH TO SIR GEORGE NAPIER, K.C.B.

Port Natal, 7th August, 1843.

SIR,—The delay of the “Maid of Mona” enables me to add some additional information. On 5th instant I saw Mr. Coqui, who had just received a letter from Mr. Behrens, at present residing at Pietermaritzburg. He stated that the commando from beyond the Draakenberg had arrived, that its strength was four hundred and eighty men, and that they conducted themselves in the most orderly manner; strict injunctions being given by the commandants that they should molest no one. The actual force at Pietermaritzburg is averaged between 700 and 800 men; and with these, he stated positively, there were not less than 1,500 good horses. On this latter point, two persons who have since arrived from thence equally concur. This morning I learn that Potgieter and one Wolmarans are in prison for expressing themselves in favour of the Government; and

a letter has been written by Mr. Lindley, expressing his fear that the commando from beyond the mountains will do something they ought not, a passage from which Dr. Adams infers they mean to act hostilely.

This day the meeting takes place, at which I trust that the hon'ble Commissioner may have sufficient influence to induce the emigrants to submit, although I confess I do not anticipate such a result.—I have the honour, &c.,

(Signed) J. C. SMITH, Major.

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#### LETTER FROM HON. H. CLOETE TO HON. J. MONTAGU.

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Pietermaritzburg, 8th August, 1843.

SIR,—It is with feelings of heartfelt satisfaction that I have the honour to report to you, for the information of His Excellency the Governor, that the Volksraad have this day presented me with their formal and (with the single exception of one individual, Paul Naudé) unanimous declaration of their acceptance, as well for themselves as in their capacity of representatives of the community here, of the conditions set forth in His Excellency's proclamation as those under which they would be received under Her Majesty's allegiance, and entitled to the privileges held out to them by Her Majesty's gracious instructions.

As this declaration has thus been obtained under the most trying circumstances, and despite the most determined opposition of a numerous and lawless rabble, I feel it due to the importance of the subject itself, and to the public spirit and firmness displayed by the members generally of the Volksraad (representing the most respectable class of the society here), to give His Excellency a full detail of the events which have taken place during the last ten days, and which have so happily ended in the present declaration.

During the whole of the preceding months of June and July, all the commandants beyond the Draaksberg were urged by the most extravagant reports as to hope of co-operation from the Dutch Government, and by entreaties, to come to the help of the farmers here established, who were said to be in open hostility with Her Majesty's troops and the Zulu tribes; Mocke, with the Commandants Kock, Du Plooy, and Snyman (who all acknowledge the supreme authority of the former), having cautiously felt his way hither, during the latter end of the last month, entered this town on the



30th ultimo with two hundred armed men. During the following week small parties from behind the Draaksberg, under the Field-cornets and Commandants Delport, Erasmus, and others (whose names appear in the letter I received dated 31st of July), also entered this town, armed; and when I arrived here, on the afternoon of the 5th instant, I was received, about three miles out of the town, by some seventy or eighty mounted persons, who escorted me into the town, and offered me every protection, by ordering a guard to attend to my house, &c., which, however, I civilly declined.

The number of persons whom I found thus collected in this town amounted to about six or seven hundred, who observed the strictest order and discipline during all the time they kept possession of this place. I soon ascertained that, immediately on their arrival, these commandants from beyond the Draaksberg had united to endeavour to displace the whole Volksraad, and, presenting a prepared list of such persons as they desired to place therein, they insisted that an entire new Volksraad, of no less than thirty-six members (taking in representatives from the Orange River upwards), should sit on the 7th following. This attempt was feebly resisted by the few members then present; so that on the morning of the 7th a fierce attempt was made by Mocke and his adherents to carry their point and appoint an entirely new "Volksraad," representing all their tribes, in the full conviction that they would thus carry a declaration of entire independence from the Government.

The firmness, however, of the members of the Volksraad then assembled, who were all in attendance, and (as I informed His Excellency in my letter of the 3rd of July last) were sixteen in number, kept themselves in their places; Messrs. P. F. R. Otto and St. Viljoen who had before been nominated, but had never taken their seats, claimed their right to their seats, and the discussion on the morning of the first day ended by Mocke and his party having at least established a right to fill up the number to thirty-six from representatives beyond the Draaksberg.

An hour's interval at noon seems, however, to have convinced Mocke that even in this manner he was not sure of a majority; and, to the surprise of the Volksraad, upon their resuming their sitting, he declared that for his part he declined naming any representatives, and these at once withdrew from all direct interference; his people, however, continuing to fill the precincts of the court-hall with their clamour and abuse of every loyal person sitting there.

Upon this party having thus withdrawn-itself, the number of

representatives was filled up for this district and the adjoining districts of Windburg and Potchefstroom (situate beyond the Draaksberg) to thirty-two members, who continued their sittings during that day and the following, surrounded by a noisy, senseless mob who, by imprecations and threats of violence, did their utmost to drive these representatives from their post, or get them to proclaim their independence from all British authority.

The first outward support which the Volksraad received in their deliberations was from Joachim Prinslo (one of the four individuals still excluded from the general amnesty) who, in a feeling appeal to the public, pointed out to them the inevitable consequences of resistance, and expressed his deep regret that he had ever been led to join in any act of hostilities towards Her Majesty's Government.

This appeal, joined to the effort of the late commandant, A. W. Pretorins, helped materially to allay the popular ferment, while I at my residence (a few yards from the court-hall) endeavoured to communicate with every influential person, pointing out to them the fearful consequences of resistance, and the incalculable advantages which would result to them from a return to their allegiance. The deliberations on the first day (Monday) continued to a late hour, without leading to any definite result; and on the morning of the second day (Tuesday) the representatives of the districts of Windburg and Potchefstroom (beyond the Draaksberg) also declared their determination to withdraw from the "Volksraad," and gave up their seats.

The Volksraad, thus reduced to the representatives of this country to the southward of the Draaksberg, continued their sitting on the Tuesday, with open doors, amidst the incessant clamour of those persons who had declared themselves no longer to belong to the country whose fate was to be decided; and a deputation waited upon me from persons not belonging to the Volksraad, to ascertain whether I could make them any declaration as to the limits of the colony of Port Natal, so as to surrender a part only of the country, along the coast line. To this I, of course, answered that, far from assenting to such a proposal, I was authorised to examine the whole of the country, even beyond the Draaksberg, with a view to fixing the future limits of the country, and that therefore, on that point, I especially reserved for Her Majesty the fullest right of fixing the boundaries of the future colony wherever Her Majesty might hereafter deem it advisable.

The state of suspense in which I was kept was agreeably relieved

by a formal deputation which I received from the standing committee of the ladies of Pietermaritzburg, headed by Mrs. Smit, the wife of a person officiating as missionary. The spokeswoman commenced by declaring that, in consideration of the battles in which they had been engaged with their husbands, they had obtained a promise that they would be entitled to a voice in all matters concerning the state of this country; that they had claimed this privilege, and although now repelled by the Volksraad, they had been deputed to express their fixed determination never to yield to British authority; that they were fully aware that resistance would be of no avail, but they would walk out by the Draaksberg barefooted, to die in freedom, as death was dearer to them than the loss of liberty.

I endeavoured (but in vain) to impress upon them that such a liberty as they seemed to dream of had never been recognised in any civil society; that I regretted that, as married ladies, they boasted of a freedom which even in a social state they could not claim, and that, however much I sympathised in their feelings, I considered it a disgrace on their husbands to allow them such a state of freedom. After an interview which lasted for a couple of hours, they left me, still more excited than they had been when they first arrived, and departed exclaiming that their shibboleth was liberty or death. From this state of frenzy into which the females had worked themselves, His Excellency may conceive how easy it was for them to impart some portion of that excitement into the minds of their relatives.

After some hours' further delay, a deputation from the Volksraad waited upon me, requesting some declaratory explanation as to the first condition set forth in the 6th section of His Excellency's proclamation of the 10th of May last, as one of the indispensable conditions to be observed by any authorities under Her Majesty here.

This condition evidently appeared to have given umbrage to some of the members. I therefore proceeded to explain to them the principles of justice, humanity, and sound policy which had dictated the insertion of that condition, and I determinately stated to them that nothing but an express and unqualified acceptance by the Volksraad of those conditions, as set forth in the 6th section of that proclamation, would be taken by me as an acknowledgment of their allegiance and obedience to Her Majesty's authority.

Having brought with me the copy of Lord Stanley's despatch of the 13th December, 1842, I then proceeded to explain to them the privileges and advantages which Her Majesty had been graciously pleased to hold out to them upon their return to their allegiance, and



having had several copies prepared of a translation which I had made of that part of Lord Stanley's despatch which authorised me to announce to the emigrant farmers the advantages as to their political institutions which were promised to them, I gave them these copies, requesting them to ponder these terms thoroughly, as they contained a sacred promise of Her Majesty's supreme Government as to the principles which would actuate Her Majesty in the future government of this colony.

These copies having been taken by the deputation, were submitted to the Volksraad and the public, and appeared to have made a considerable impression, as several of the commandants and other leading men from beyond the Draaksberg called and requested to have similar copies of that extract, with which I readily supplied them.

At length, towards the approach of evening, a deputation of the Volksraad called and presented me their declaration (copy of which is hereunto annexed), containing their unconditional acceptance of the conditions prescribed by His Excellency's proclamation of the 10th of May last, signed by twenty-four out of the twenty-five members who then composed the Volksraad.

This declaration, thus obtained from so overwhelming a majority by a simple appeal to their reason and true interests, and in spite of a most factious and lawless party, brought together from the very borders of the Orange River, will convince His Excellency that there does exist here a respectable and numerous party of loyal and well-affected persons possessed of the greatest influence in the country; and these were happily brought together by my previous assurance that I should attend and give them, at least, my support during the meeting. If the absence of all military to control and overawe the lawless and disaffected has placed the question of submission to Her Majesty's authority for a while in the utmost jeopardy, it has now, on the other hand, shown the strength of the loyal and well-affected, and has thus placed this country in a state of security which it would not otherwise have enjoyed, as the lawless and disaffected have now but too clearly experienced that, with all the aid they could call in during the last two months and with all the efforts they had made to plunge the country into civil war, these efforts have been defeated by the strength of the well-affected when united and called together to maintain the peace of the country.

Shortly after the receipt of the declaration of the Volksraad, I was waited upon by F. G. Mocke, who had declined a written invitation I had sent him on the evening of the 6th (as I had wished

to have spoken to him on the subject of his coming here with a command, and his interference with the proceedings of the Volksraad before their meeting). He was much dejected, and could but ill disguise the disappointment which he had undergone. I availed myself of that opportunity strongly to point out to him (and his commandants who accompanied him) the inevitable result of such proceedings as those in which he had been engaged for some months past: that the slightest outrage committed by his party within this territory would be personally laid to his charge, and that I begged him to consider the expediency of following the good example of the Volksraad here, rather than continuing a course of lawlessness and hostility to the Government. This appeal seemed to make considerable impression on the other commandants, who requested to be furnished with copies of the extract from Lord Stanley's despatch which I had sent to the Volksraad. Mocke, however, received my entire communication in sullen silence: and, from what I saw and heard of the principal followers in his party, I anticipate that his control over that portion of Her Majesty's subjects will soon be at an end; and I would fain hope that a declaration of their allegiance will soon follow the example which has been set them here.

The whole country on this side of the Draaksberg, being now restored to a state of peace and submission to Her Majesty's authority, two important questions remain to be considered.

The first is, how the districts of Winburg and Potchefstroom (which were deemed to belong to the territory of Natal), and also all the other independent tribes of emigrants beyond the Draaksberg, are now to be dealt with?

In my despatch of the 4th July last, I have almost anticipated that question, by placing before His Excellency in the fullest manner the reasons that plead for an assumption of that territory, and those that appear to me convincingly to recommend the Draaksberg to remain (at least provisionally) the present northern boundary of this colony.

The violent clamour of these parties belonging to those northern districts during the sitting of the Volksraad, and the avowed declarations of their commandants and other leaders threatening not to remain in that country, should Her Majesty determine upon embodying it in the territory of Natal, but immediately to emigrate still further and further to the northward, seems to hold out a prospect of some difficulty in proceeding at once to extend the limits of this colony beyond the Draaksberg.

Should Her Majesty's Government, for the reasons fully detailed

in my letter of the 4th of July last, resolve (at least for the present) to restrict the boundaries of this colony up to the Draaksberg, and not further, I would beg to suggest the necessity of having a military detachment stationed at the foot of the Draaksberg, at the place of one Daniel Bezuidenhout, and to establish some strict regulations as to the future intercourse with the people beyond the Draaksberg, laying a duty upon all articles imported from thence, and prohibiting altogether the exportation from hence of gunpowder, ammunition, wine and spirits, and such other articles as will only tend still further to demoralise them, and furnish them with the means of aggression on the harmless and inoffensive tribes by whom they are surrounded, and whose territories they have in a great measure usurped.

I feel confident that such a system, pursued for a very short period, will make them sensible of the disadvantages under which they are labouring, and that the influential and leading men will soon come forward and solicit to enjoy the privileges which they at present can neither understand nor appreciate.

The next point respectfully submitted for serious consideration to His Excellency will be the extent of military protection which this colony will require.

In my despatch of the 4th of July last, I already expressed to His Excellency that, viewing the unsettled state of the population, and the alarming influx of Zulus who have poured in during the last years, and are squatting themselves down wherever they list, a respectable military force will necessarily be required to ensure public tranquillity. The smallest force required for that purpose should consist of six hundred men (one-third of which, if possible, to consist of cavalry). The vast extent of country which they must traverse, and the rapidity with which either a party of hostile farmers or of Zulus travel over the country, renders any attempt to check or resist them with infantry altogether nugatory. I would propose that this place, situated in the very centre of the colony, should be kept up as the headquarters of the entire force—keeping one detachment at Port Natal, and another at the foot of the Draaksberg.

The first object to which the attention of the detachment here should be directed would be to ensure a constant and certain communication with the port, and for that purpose I take leave to suggest that His Excellency (as Commander-in-Chief) may be pleased to direct a wooden bridge to be thrown over the "Little Bushman's River," running by this town. This little stream in some places is



not more than twenty or twenty-four feet broad, but is so deeply imbedded that during the approaching rainy season it continues impassable for six or eight weeks, and might subject the troops to serious inconvenience. I have ascertained that the expense of procuring strong timber of stink, iron, or sneeze wood and laying down a substantial wooden bridge would not exceed fifty or sixty pounds : and I am sure that it is an expense which will be soon repaid by the certainty and facility of transport ; the remainder of the road to the Bay is perfectly free and clear, although rendered difficult by two or three exceedingly steep mountains, which, however, might also be improved with very little trouble or labour.

The disposition of Her Majesty's troops throughout the colony would also render it necessary for His Excellency to lay down certain rules for the manner in which a co-operation or assistance of the military should be afforded. I have in every preceding letter pointed out to His Excellency the utter inefficiency of the civil power. A sentence or decree of the magistrates here is hardly ever respected : acts of violence and personal outrage are daily committed and passed by unnoticed because they cannot be punished, and the consequence of such a state of society daily becomes more and more serious, if the civil power is not supported by a military force whenever required. I would, therefore, take leave to suggest that His Excellency may also be pleased (as Commander-in-Chief) to direct the officer commanding any detachment to lend such aid as may be required by the civil authorities to enforce the law. A few instances of a display of such united force will soon bring the unruly into subjection, and teach them the necessity of submitting to legitimate authority.

I cannot, before concluding, but call His Excellency's attention to the conduct displayed by Joachim Prinslo at this meeting of the Volksraad. He is a person of considerable influence in the community, an influence based on the kind and benevolent qualities of his heart, and the part which he was made to play in the late revolt evidently arose from his having been put forward by others more designing and cunning, to take the chair on the occasion of their signing a treasonable address, to which he was made to put his name as chairman. I find that his conduct during the last twelve months has been perfectly quiet and inoffensive, and the part he took at the last meeting contributed materially to check the clamour of the lawless and to encourage the well-affected. I would, therefore, take leave respectfully to solicit that His Excellency may be pleased, by a public announcement, to remove from him every disability which he

still labours under, by being excepted from the general amnesty, as such an announcement will be gratefully hailed by a very numerous class of his relatives, who are deeply interested in his fate.

I have every reason to believe that Michiel van Breda has also conducted himself during the last twelve months with great propriety, and has abstained from taking part in any disloyal proceedings against the Government; but I regret to add that I cannot give so favourable a testimony as to the conduct of Servaas van Breda and Jacobus Johannes Burger, as, on the contrary, I have every reason to believe that they have both to the latest moment been instrumental in keeping up a feeling of bitter hatred and animosity against Her Majesty's Government.

In again congratulating His Excellency on the result of this important meeting, I cannot refrain from especially submitting to His Excellency the names of Mr. Otto, Mr. P. Zietsman, and Mr. Stephanus Maritz, as the members of the Volksraad who took a distinguished part in resisting the clamour of the public and in maintaining the authority and independence of the Volksraad. During two days, the question of allegiance was in the most imminent danger of being decided by an ignorant and lawless rabble, supported by a horde of armed men brought here with the object of throwing the community into confusion; and I cannot but think that, but for my presence, they would have succeeded in their fiendish design.

I have the honour, &c.,

(Signed) H. CLOETE, H.M. Commissioner.

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POSTSCRIPT.

10th August, 1843.

The messenger charged with my letters having been delayed, enables me to add a few important particulars resulting from the declaration of submission from the Volksraad.

Mocke's commando, and all the parties from beyond the Draaksberg, commenced breaking up in small detachments yesterday morning, and at this moment the town is entirely clear of them. They left in a most orderly manner, without committing any outrage or violence; but their abuse of the people here who drew them hither has been most incessant and clamorous. The commandant, Rudolph, called himself this morning, and expressed his regret that he had been led by others to continue in hostility to the Government among the latest, but he begged to assure me that he now saw the folly of further opposition to the Government, and pledged himself

to be entirely submissive if his former misdeeds were overlooked. I at once told him that his conduct had been so conspicuous that I had been compelled to report it to His Excellency, with whom alone it would lay to remit or punish such conduct. I believe him to be a person easily led away by others, but of a most worthy moral character and undaunted courage, and I would hope that, in regard of such a person, His Excellency will be pleased to overlook his acts, which have not amounted to any overt act of rebellion: and if His Excellency should be pleased to view his conduct in the same light, I would feel happy to convey to him the expression of His Excellency's sentiments, and assure him of his safety. He has given up all idea of quitting the colony, although he had threatened to do so immediately; and I am happy to say that a dozen more residents, who were equally violent until last week, have now declared their determination to stay and await the operation of such institutions as are held out to them.

The town is now in perfect tranquillity, save from a low rabble who infest the streets at night and destroy the properties of every person whose loyalty has made them an object of their hatred. The houses of Mr. Landsberg, Mr. Boshoff, and Mr. Van der Merwe were injured and their gardens destroyed during the last night, and the impotency of the police precludes all chance of detection or punishment.—H. CLOETE.

#### J. BODENSTEIN AND OTHERS TO THE HON. H. CLOETE.

Pietermaritzburg, 8th August, 1843.

We, the undersigned, members and representatives of the Council, having taken into consideration the Proclamation of His Excellency the Governor, dated 12th May last, declare hereby to have agreed to accept the conditions therein contained.

(Signed)	J. S. MARITZ (President),	W. A. VAN AARDT,
	M. G. POTGIETER, C. P. BOTMA,	G. C. VILJOEN,
	P. F. R. OTTO, L. J. MEYER,	GERT SNYMAN,
	P. H. ZIETSMAN, E. F. POTGIETER,	H. S. VANDEN BERG,
	B. POORTMAN, P. R. NEL,	A. Z. VISAGE,
	W. S. PRETORIUS, A. F. SPIES,	M. PRINSLO,
	A. CILLIERS, P. G. HUMAN,	C. A. BOTHMA,
	G. Z. NAUDE, J. A. KRIEL,	N. J. S. BASSON.
	G. R. VAN ROOYEN,	

(Signed) J. BODENSTEIN, Secretary to the Council.



## MAJOR SMITH TO SIR GEORGE NAPIER, K.C.B.

Port Natal, 10th August, 1843.

SIR,—Yesterday afternoon I received a letter from Her Majesty's Commissioner, informing me that the emigrant farmers had at length seen fit to recognise and submit to the authority of Government, having placed in his hands on the 8th instant a declaration of "their unqualified acceptance of the conditions set forth in" your Excellency's "Proclamation of the 10th of May last, as the conditions under which they would be received under Her Majesty's allegiance."

This unexpected event has been chiefly caused by a division arising between Mocke's party and those on this side of the Drakensberg, to which the following circumstance may have not a little contributed.

The Landdrost Zietsman received a letter a short time ago from Utrecht, in which it was stated that the Government of Holland would allow no vessels to clear out for Natal, and repudiated any interference with the place whatever. This letter being made known to some of the farmers, they at first considered it a forgery; and even when Dr. Poortman, himself a Hollander, asserted that it came from that country, were still incredulous, until one of them, holding it up to the light, discovered that the watermark bore undeniable proof of its being genuine.

But, after all, the certainty of a large military force being about to proceed to Pietermaritzburg (for the preparations were evident, and they could not well be ignorant of the "Thunderbolt's" unexpected return with a further reinforcement) has been, doubtless, the main reason of their having at length tendered their reluctant submission. To this Mocke and his party have not acceded, and were prepared to depart when my informant (Mr. Behrens) left Pietermaritzburg. There are, however, hopes they will yet be induced to solicit the protection of the Government.

Gert Rudolph and several others will, it is thought, remove further inland.

In his letter announcing this event to me, the hon. Commissioner requested I would, "by issuing some general order, or by some open demonstration, make public the complete submission of this country to Her Majesty's allegiance, and thus prepare the way towards the entire oblivion of the past, and subsidence of all feeling of hostility."

In reply, I stated that I thought a reference to you had best be made, as you might perhaps think fit it should emanate from your

authority, and that the delay would at least give time to test the stability of their decision.

Such a step, I must confess, seems to me wholly unnecessary, after the clear manner in which those sentiments have been already set forth in the proclamation and minute of your Excellency, announcing to the emigrants the intentions of Government in their favour.—I have the honour, &c.,

(Signed) J. C. SMITH, Major.

P.S.—I have called the submission of the farmers unexpected, and in proof of this may mention that Dr. Adams, although in receipt of constant information from Mr. Lindley, waited on me yesterday to ask permission to remove to the Point when hostilities commenced, and which he seemed fully to anticipate.—J. C. SMITH.

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#### MAJOR SMITH TO SIR GEORGE NAPIER, K.C.B.

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Port Natal, 11th August, 1843.

SIR,—I had scarcely finished my communication of yesterday, when H.M.S. "Thunderbolt" arrived, bringing me the gratifying intelligence that you had fully approved of the steps I had recently taken respecting the proposed movement of the troops on Pietermaritzburg.

Circumstances have since occurred rendering that measure, it is to be hoped, unnecessary; and no one will rejoice more than myself should a sincere and permanent submission be obtained from the emigrant farmers, so as to render the capabilities of this fine country available to other purposes than turbulence and faction.

Considering more particularly the request of Her Majesty's Commissioner as detailed in my letter of yesterday, and being anxious to meet his wishes as far as I thought my situation permitted, I ventured to issue the public notice of which I enclose a copy, and trust it contains nothing that you will disapprove of. The latest news I have received from Pietermaritzburg states that Mocke's party had departed, without any further act of violence on their part than the demolition of a few windows.—I have the honour, &c.,

(Signed) J. C. SMITH, Major.

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#### PUBLIC NOTICE.

The Commandant deems it his duty to make known to the community that he has received an official communication from the

Honourable Henry Cloete, Esq., Her Majesty's Commissioner for Natal, formally announcing that the emigrant farmers had, through their Volksraad, tendered their submission to the Government on the conditions set forth in His Excellency's proclamation of the 10th of May.

Trusting that this event will have the effect of restoring that tranquillity to the country which it so much needs, and which is so essential to its prosperity, the Commandant suspends for the present the contemplated move of the troops towards the interior, in the hope that a gradual subsidence of all party feeling may render such a step eventually unnecessary.

(Signed) J. C. SMITH, Major, Commandant.

Given at the Commandant's Office, Port Natal, August 11, 1843.

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THE HON. H. CLOETE TO THE HON. J. MONTAGU.

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Pietermaritzburg, 12th August, 1843.

SIR,—I have the honour to enclose, for the information of His Excellency the Governor, copies of a letter received by me yesterday from the Secretary of the Volksraad, requesting me to forward to His Excellency their application to be allowed to levy at Port Natal the same duties which they had been accustomed heretofore to derive, and from which the payment of all the authorities and public institutions was almost altogether dependent, and of my reply thereto.

These duties the Secretary to the Volksraad states to have consisted as follows :—

On wine, per half-aum	...	...	...	15s.
On all brandies, spirits, &c., per gallon	...	...	...	3s.
On tobacco, snuff, and cigars, <i>ad valorem</i> ,	25	per	cent.	
On timber, wood, and manufactures of wood,				
<i>ad valorem</i>	...	...	...	25 per cent.
On all goods, wares, and merchandise,	3	per	cent.	
Port dues, per register ton	...	...	...	3s.

As this subject is now fully brought before His Excellency for decision, and as I cannot but think that in my previous communications I have failed to enter at sufficient length into the question, I shall take leave to supply that deficiency at present, as I am apprehensive that for want of proper information His Excellency may be led to the adoption (in this first measure of government in regard of the insti-



tutions of this country) of a principle which will give great cause of discontent.

Prior to the revolt in May, 1842, Natal was to all intents and purposes an integral and essential part of the colony. A magistrate and harbour-master were there established and recognised by every inhabitant, and the revenue derived from that quarter constituted the chief item of revenue of this infant State. After the rule prescribed to the farmers by Lieut.-Colonel Cloete in July last, the port, with a small tract of land bounded by the Berea hills, was expressly excluded from all interference by the Volksraad, and placed under the military command of the commanding officer.

Under these circumstances, those functionaries who had previously officiated there were, of course, removed; but the Volksraad having now fully subscribed to the conditions laid down by Lord Stanley's despatch as the indispensable preliminaries of their enjoying a settled government under British protection, it appears to me indispensable that all military interference in matters strictly belonging to the civil authorities should now cease, and that the inhabitants of Natal, who are not more than twenty in number, and consist of persons of Cape or Dutch origin, as well as English, should again be placed under the authority of a civil magistrate as heretofore. In fact, from what I observed there during the last month, the appointment of such a functionary is absolutely necessary to maintain good order. It is, therefore, a fallacy to assume or suppose that the port of Natal does not belong to the country, and that the Volksraad, as a lawful authority exercising its temporary jurisdiction, and recognised by the Government, should not exercise it over that as well as every other part of the colony.

From this undeniable principle, it follows that the Volksraad is entitled to claim the right of levying such duties as they had levied heretofore, and without the reception of which they cannot support their government; for, if the levying of these duties be refused to them in this shape, they will, it is evident, be driven to levy a general personal tax or assessment on the landed property of every individual throughout the colony, and therein including all the inhabitants about the port.

The principle, therefore, of their levying this duty not only appears to me to be just, but the arguments of expediency or convenience which have been started against this right appear, moreover, to be altogether untenable. Upon what principle of justice or even of expediency should twenty-four persons residing at the port be exempted from

paying towards the taxes which are to be levied on the rest of the community? They are the mere agents of persons both in the Cape of Good Hope and Pietermaritzburg; so that to them personally (with the exception of articles for their own private consumption) they are altogether indifferent to or unaffected by this duty.

The next objection that has been raised, viz., that the military at the port would be liable to this duty, may be easily removed by His Excellency directing that all Government or military stores should be exempted. But the present mode of allowing a military officer to examine into the ship's manifest, and so interfere with the mercantile concerns of the port, appears to me so anomalous that I cannot but think that His Excellency will rejoice at the change of affairs which has now rendered such further interference unnecessary.

It is clear that if the exemption as suggested in your last despatch were to extend only to certain limits around the port, and that Her Majesty's troops would be relieved only while remaining within that area, where only a small military force will be required, while those scattered over the whole colony would still be liable to their proportionate share, this would create a very unjust distinction. So that, with a view to removing that objection, I think His Excellency will concur in the suggestion that Government and military stores should be exempted (in which I am sure the Volksraad would concur). To extend an exemption from the payment of any duties to an area round Natal, therefore, appears to me to be not only unjust in principle, but it would create such an opening to fraud as to render the tax altogether inoperative, and thus will prevent the Volksraad from obtaining any revenue from this source; for how is the collector of such duties to levy them when the articles are to be taken to this place or to the interior? Is he to attend every wagon as they are loading at every store (an operation which frequently takes half a day with a single wagon)? How is he to watch a dozen wagons starting at the same time from as many stores, and how is he to get at the values of these articles or know the contents of the packages? These difficulties are so insuperable that they would lead to great embarrassment. They will create discontent, and again revive a feeling that there does exist a distinction between one part of Her Majesty's subjects and the other, which I am labouring incessantly to overcome.

Upon these various grounds I feel it my duty to solicit from His Excellency in this, the first interference with the existing authorities here, to avoid even the semblance of making any distinction between

any portions of subjects of this colony, and, by conferring the favour now solicited by the Volksraad, to give them a sensible proof that His Excellency is only desirous to reinstate them in the full enjoyment of those privileges which their return to Her Majesty's allegiance entitles them to.

I am happy to inform His Excellency that every person here seems already to have returned to their homes or avocations. I have only heard two persons in and near this town who still express a determination of going on beyond the Draaksberg; and were it not for the efforts of two or three individuals, who still endeavour to incite a low and lawless rabble to commit every kind of outrage, during the dead of the night, upon the houses and lands of those who were conspicuous for the display of their loyalty, the town would be in perfect quiet.

I have this instant received a letter from the landdrost, Mr. Zietsman, enclosing an application from several of the most respectable inhabitants (with reference to the outrages committed every night on their properties, and the lawless state of the lower classes here) that a military detachment may advance to this place. This functionary entirely concurs with me in the necessity of such a movement; and it appears to me to afford a most favourable opportunity of at once occupying this town, not only with the concurrence, but at the request, of the respectable part of the community. I shall communicate this application to Major Smith this day, submitting this application to his better judgment, and to such orders as he may have received from His Excellency. I can only solemnly assure His Excellency that such an advance of 100 or 150 men can now take place with as much security as through any part of Her Majesty's dominions.

I have also received advices yesterday that the commando who were here lately had reached near to the Draaksberg in great want of provisions, so that they would hasten home, and by this time, no doubt, have passed the boundary without committing any excess or outrage of any kind.

I have received yesterday a public notice calling on all claimants to erven within this town to bring in their claims before the end of the month, on pain of being disqualified; and several persons have already brought them in, so that this work will now also be easily accomplished.

I have consulted some of the Volksraad as to the rate of duties which they propose, and they concur in thinking that, although the



rates as formerly levied were expressed in their letter to me, yet that the duty on timber is extravagantly high, and would only tend to check improvement in building, the wood in this country being generally too fresh to be used; a reduction on that head to 3 or 5 per cent. would, therefore, be generally approved of.—I have, &c.,

(Signed) H. CLOETE, H.M. Commissioner.

[Enclosure.]

J. BODENSTEIN TO H. CLOETE, Esq.

Pietermaritzburg, 11th August, 1843.

SIR,—In the name of the Council (Volksraad) I take the liberty to bring to your knowledge that one of the principal branches of the public revenue here has been always the import duty levied by it from merchandise landed in the harbour of Natal, viz.:—

On brandy, liqueurs, &c., per gallon ...	...	Rds. 3
On wine, per half-aum ...	...	„ 10
On tobacco, snuff, cigars, &c. ...	...	25 per cent.
On wood and wood-work ...	...	25 „
On other goods ...	...	3 „

Besides port dues, per ton, 3d;

which revenue having ceased for the last fifteen months, the Council has in the meantime found it difficult to perceive even the semblance of executive authority. As the Council, however, observes from the seventh article of His Excellency's proclamation of 12th May that Her Majesty is pleased to leave the existing institutions of this place undisturbed, and as it therefore thinks it has reason to believe that His Excellency the Governor will be inclined to allow the means thereto, without which it will no longer be possible to meet the absolutely necessary public charges, I am, therefore, directed to request his sanction to the duties as heretofore.—I have, &c.,

(Signed) J. BODENSTEIN, Secretary of the Council.

HER MAJESTY'S COMMISSIONER, NATAL,

TO THE HON. J. MONTAGU, SECRETARY TO GOVERNMENT, CAPE TOWN.

Pietermaritzburg, 15th August, 1843.

SIR,—I have the honour to acknowledge the receipt of your letter of 2nd instant, chiefly referring to the approval of His Excellency of the grounds upon which Major Smith had deemed it advisable not to

march up any troops to this place to maintain the public peace during the late meeting of the Volksraad.

The providential turn which affairs have now assumed having rendered such a measure unnecessary, it becomes needless for me to revert to so painful a subject any further than to assure His Excellency that nothing but the most imminent necessity will ever induce me to make any application for troops in any undertaking in which I may be engaged; and that on the occasion referred to I would not have made such a requisition, had I not previously made both His Excellency and Major Smith fully acquainted with the impending exigency, and had I not obtained the entire concurrence of both as to the expediency of such a movement, although the reasons adduced to me by Major Smith for not complying appeared quite unsatisfactory. I cannot but think that those submitted to His Excellency must have been conclusive, as it appears that on the very night whilst I was engaged here with the farmers (the majority of whom were in arms) to extort from them a return to their allegiance, upon a sudden panic that a party of hostile farmers had threatened the village of Congella, all the women were removed by boats, and the men fled on foot, without Major Smith being able to afford protection to a village situated two miles from his camp. I should, however, hope that the reinforcement now sent in H.M. steamer "Thunderbolt" will induce him to accede to the request made by a number of the respectable inhabitants of this town to have the protection of a military force here. I beg again to assure His Excellency that such a movement of any detachment, however small, may be made without the smallest apprehension of any attack. But it will be needless for me to repeat any such opinions, as Captain Broke, who has been with me for two days, and has had the opportunity of going about the country for thirty miles, will best be enabled to give His Excellency an account totally unprejudiced of the present state of it. The readiness with which the Admiral has kindly placed the "Thunderbolt" at my disposal, for the purpose of exploring St. Lucia Bay, makes me doubly regret the impossibility of my at present availing myself of this favourable opportunity of accomplishing this object; but I had, previously to my knowing of the arrival of the "Thunderbolt," called upon all occupiers of erven to give in their claims before the end of the month, on pain of being deprived of their right. They have already promptly obeyed this call, and I should be sorry to withdraw that notice; independent of which the Volksraad meet again on the 1st Septem-

ber, when I am aware various subjects will be discussed requiring my immediate attention.

Immediately upon their breaking up I shall, however, be prepared to examine the eastern boundary; and could the Admiral, by about the 15th of that month, spare the "Thunderbolt," I should feel deeply indebted to him: and I feel sure Captain Broke will feel a pleasure in contributing towards examining into one of the most particular points to be established with regard to fixing the future boundaries of the colony, viz., whether it would be expedient or necessary to extend these boundaries to St. Lucia Bay, more particularly as I am aware that the emigrant farmers beyond the boundary have been endeavouring to effect a communication with the coast by that bay.

Captain Broke, who has been kind enough to make some observations for fixing the latitude and longitude of this place, has also explored with me all the surrounding country, and will be able to inform His Excellency of the state of unprecedented tranquillity which the country at present enjoys. Having heard that my despatches of the 8th and 10th reached Port Natal too late to be sent by the "Pilot" or the "Maid of Mona," has been an additional inducement to my requesting Captain Broke to be the bearer of them immediately, as I am fully aware that His Excellency will feel deeply anxious to know every particular connected with the pacification of this country, which, under God's blessing, I have been able happily to accomplish.—I have the honour, &c.,

(Signed) H. CLOETE, H.M. Commissioner.

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MAJOR SMITH TO SIR GEORGE NAPIER, K.C.B.

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Port Natal, 16th August, 1843.

SIR,—I have the honour to submit to your Excellency that a communication from Her Majesty's Commissioner reached me yesterday, enclosing a memorial to Landdrost Zietsman, addressed to him by the inhabitants of Pietermaritzburg, requesting him to apply to the Commissioner for the advance of a body of troops, as they do not consider either their lives or properties to be secure. In an accompanying letter, though of later date, Mr. Cloete stated that he would avail himself of the visit of Captain Broke to put me in possession of all the necessary information respecting the state of affairs, and



of the sentiments of the inhabitants; and I shall, therefore, await the return of that officer before I decide on the advance in question.

That the measure suggested would now be an imprudent one is not likely, because the division which has arisen between Mocke's party and those on this side of the Draaksberg will in all probability prevent their again uniting for any evil purpose. But I could have wished that the inhabitants themselves of Pietermaritzburg had repressed the anarchy they complain of, and had thus given proof, not only of the sincerity of their submission, but that it was the general wish of the people, as well as of those who had signed the document in which it was so solemnly professed.

Should I decide upon moving a body of troops to Pietermaritzburg, it is my intention of taking with me the detachment of the 45th and two guns, accompanied by as many sappers as can be spared, with the view of building cover for the troops as soon as possible. Wood and thatch are scarce there. The huts, therefore, will have to be constructed of stone, and probably covered with yellowwood planks, which, although expensive, will be useful afterwards. Subsequent observation will determine the amount of force necessary to be retained there; but at present I do not think it advisable to advance a less force than 200, and shall make arrangements accordingly.

That your Excellency does not intend that the military should be employed in aid of the civil power further than by the effect their presence will necessarily produce, I am led to suppose from the tenor of your late instructions to Her Majesty's Commissioner; and will, therefore, on my arrival send for the landdrost and inform him that, although the troops have been moved there at the expressed wish of the community, it is the duty of the inhabitants themselves to maintain the order so essential to their welfare—and, of course, in civil commotions of any importance, the assistance of the military would at once be given.

I have written as above because, in the petition of the people to their landdrost, the following passage occurs, from which I infer they expect the troops to be employed as a police force, than which nothing could more effectually cause a soreness of feeling and frequent collision between them and the emigrant farmers:—"Moreover, we do not believe that you have any police force at your command to apprehend any evildoers, in case of resistance, unless assisted by the voluntary aid of the inhabitants."

Now, independent of other considerations, I think there is a

wholesome moral value in a people exerting their energies for the preservation of order, instead of lazily habituating themselves to its being produced by the exertions of others. Sloth is easily generated in a community, and soon becomes a portion of its system.—I have the honour, &c.,  
 (Signed) J. C. SMITH, Major.

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MAJOR SMITH TO SIR GEORGE NAPIER.

Port Natal, 17th August, 1843.

SIR,—I beg to inform your Excellency that I have just had an interview with Captain Broke, on his return from Pietermaritzburg, which place was quiet when he left, and comparatively empty of its inhabitants; but it was urged by the better disposed among the population that the dispersion of the armed burghers, which immediately followed their submission, left them without protection either from the Kafirs, whom they appeared much to dread, or the more turbulent of their own people. They therefore thought, under the circumstances, they had some claim to the support of that Government to which they had lately tendered their allegiance, and hoped that a body of troops would be marched to Pietermaritzburg for that purpose. Many other reasons in advocacy of the measure were detailed by Captain Broke which it is needless for me to mention, as that officer will make them known to your Excellency, but it seems to me that the great advantage is gained towards the establishment of order by the request for troops coming from the inhabitants, and I shall therefore make an early movement with the force mentioned, in the full conviction of that step meeting His Excellency's approval. I have the honour, &c.,  
 (Signed) J. C. SMITH, Major.

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DESPATCH FROM SIR GEORGE NAPIER

TO THE RIGHT HONOURABLE THE LORD STANLEY, SECRETARY OF STATE.

Government House, Cape of Good Hope,

21st August, 1843.

MY LORD,—By the "Pilot," which arrived in Table Bay last evening, I received despatches from Major Smith, Commandant of Port Natal, of which I have the honour to transmit copies, announcing that he had received a letter from Her Majesty's Commissioner, who was then at Pietermaritzburg, informing him that the emigrant

farmers had placed in his hands on the 8th instant a declaration of "their unqualified acceptance of the conditions set forth in" my "proclamation of the 10th of May last."

I have not received any official notification of this event from Mr. Cloete; but, being in daily expectation of the return of Her Majesty's steamer "Thunderbolt," I shall take an early opportunity of communicating to your Lordship the information I receive from that quarter.—I have the honour, &c.,

(Signed)      GEORGE NAPIER.

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### EXTRACT FROM A LETTER

ADDRESSED BY THE VOLKSRAAD TO HER MAJESTY'S COMMISSIONER.

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[From the "Zuid Afrikaan," 10th June, 1843.]

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4th September, 1843.

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We believe that we ought not to proceed to the statement of any particulars for your recommendation, respecting the possession of land, without saying at the same time that this is a subject concerning which a deep and general interest is felt; and we may not conceal from you that it is our positive opinion that on the final decision of this question will depend the contentment or dissatisfaction of the people, as far as the country is inhabited,—a matter which possibly may produce unwished-for results, should Her Majesty's decision on the question be hard, oppressive, or unjust in the opinion of the interested parties. But on this point, also, we can assure you that, relying on the spirit of Her Majesty's declaration, we cherish the utmost confidence that Her Majesty's Government will be disposed and desirous to take our interests into its most favourable consideration.

From article 2 of the proclamation of His Excellency, the Governor, already often alluded to, we perceive that authority is given to you, as Her Majesty's Commissioner, only to assure the rights of possession to such persons as may have actually *bona fide* occupied their lands during the twelve months next preceding your arrival here, without fixing the actual extent of those lands. We are assured, from the number of applications already made to you on this head, that you will have perceived that, both in equity and justice, with the view to promote the common interest and prosperity



of this youthful settlement, you cannot well refuse, taking into consideration the various circumstances alluded to in this letter, with many others that must already have come under your observation, to endeavour to move Her Majesty's Government to extend the admission of claims on land further than has been allowed by the proclamation. Not only those who possess occupied lands consider themselves to have a fair and reasonable claim to the same, but also all those who have obtained their lands on the same authority, who have suffered and done as much in and for the country, and who have only been prevented from occupying their farms by the unsafe condition of the settlement which has hitherto existed, and which has as yet compelled them either to take up their residence in villages or in little encampments, or to remain on the farms of one or other of their fellow-burghers for mutual protection, until an opportunity should offer when, without immediate danger, they might proceed to their farms to occupy and cultivate the same. Should all such persons not be admitted as entitled to a grant of land, as well as those who had the good fortune to occupy theirs, the greater part will be deprived of it; and having been reduced to poverty by the great losses which they have sustained, and consequently unable to purchase from the Government, it would be expecting too much were it thought that the utmost dissatisfaction would not proceed from such a decision, and that such persons could be induced to remain in a country, and to co-operate in its common prosperity, or be willing to join in sustaining its burdens, after they shall have been excluded from all interest in the same, so as to have no prospect of procuring for themselves and their families a place of rest. We are fully persuaded that in such a case the present number of inhabitants on this side the Drakensberg will decrease at least fifty per cent. We do not even wish to allude to the consequences which will result from such a step. And although we have no doubt that Her Majesty's Government is in possession of the means ultimately to restore order and submission, yet we know this for a certainty, that for a considerable time it will endanger the safety and retard the tranquillity of this colony, and that the measures which Government will have to adopt will be attended with greater expense than the value of all the lands now claimed.

It may be maintained that we cannot have a lawful claim to these lands, the grants not having been lawfully made; that we are British subjects, and could have no such authority, except by permission of the British Government; and that the grants as well as

the sales made by us amount to nothing more than a loose speculation.

But it will be difficult to convince even a small portion of the inhabitants of the justice, equity, and usefulness of this reasoning. We were obliged, as emigrants, who had to govern and protect ourselves, and who would not lead the life of wanderers (although we may not have thought that we had a good claim to independence), to establish a government amongst ourselves, whose authority we were bound to honour and acknowledge, and we were therefore not only entitled to frame laws for our guidance, but also to dispose of land, so that every man might have his own, without which no civilized community could exist.

Our government or highest authority then consisted of a Volksraad, such as still exists, and has been graciously left in power by Her Majesty. This Raad thought proper to determine that every man married, and of age, should be entitled to a grant of two farms and one erf; and every young man doing burgher duty, and aged from fifteen to twenty-one, should have one farm and one erf—that is, those who arrived before ultimo 1839; but all those who arrived since that time only to one farm, in consideration of their having suffered less, and done less, for the promotion of peace and safety, than the former. The Raad framed a law in respect to these grants, of which we take the liberty to subjoin a copy. And sales of land having also been made lawful, many have made purchases to a considerable amount, and others have invested all their ready money in fixed property, much of which has been duly transferred to the purchasers after the titles had been issued, a form of which we annex. These purchasers had to pay to the public treasury, independent of the expense of transfer, two per cent. on the value of the property (the amount of purchase money). When no notice shall be taken of all this, those sellers, who have for the greater part left the country, will be the best off, inasmuch as in some instances they have received the full value of their property, as some uncultivated farms have been sold for two or three thousand rixdollars; and the purchasers of such land would not only be greatly disappointed, but in many instances they would be impoverished, if not brought down to bankruptcy; and this although they ought to be classed among those who have done much for the welfare and occupation of the settlement. For this restitution of the amounts of purchases, much trouble would also be caused by lawsuits which would be instituted against the sellers, or other matters which would in many cases thereby become unavoidable.

We feel convinced that Government may confirm the grants made by the Raad without prejudice to the requisite revenues of the country; and much will depend on this to cause general peace, submission, and contentment. We feel ourselves constrained to request of you earnestly to recommend our propositions on this subject to the favourable consideration of Her Majesty; also to make known our desire that the farms be left in extent 3,000 morgen, and be subjected to a reasonable annual rent; that provision may be made to allow sales and transfers on the same footing as hitherto in practice here, without pressing on us immediately the expenses of a survey, as many are as yet not able to defray it, owing to the reduced state of their means. The dark prospect and uncertain expectations with respect to this question have already caused several of the inhabitants to feel uneasy: some have left the country, others are preparing to follow; and those who wish to remain find their hands tied, since they have no encouragement to undertake anything expensive towards effecting improvements on their lands, and emigration is put a stop to. Wherefore we most earnestly pray you to recommend to Her Majesty's Government a very early decision on this point.

Finally, we do not wish to leave you ignorant that we feel confident it will appear to you, after the registration of the lands claimed, that, after a fair decision in regard to the same, more land will remain than Government could dispose of for a considerable period, and which undoubtedly will be sufficient, and support the requisite public expenditure; while at the same time, in our opinion, an early and satisfactory settlement of this question will cause an increase in the number of inhabitants, give a fresh impulse to trade and everything else, which will tend as a natural result to the increase of the public revenue.\*

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MAJOR SMITH TO SIR GEORGE NAPIER, K.C.B.

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Pietermaritzburg, 4th September, 1843.

SIR,—My letter to the Deputy-Quartermaster-General will have apprised your Excellency of the arrival of the troops at Pietermaritzburg, and it now remains for me to make a few observations as to the state of feeling pervading the inhabitants on their finding themselves overlooked by a military force. When I reached Pieter-

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\* "Natalier," 2nd May, 1843.



maritzburg, the town was comparatively empty; but I have reason to believe that few, except those who petitioned for the advance of the troops, are glad of their coming. In fact, they imagined a very small party would have been sent, merely to act as a police force, and were surprised and annoyed when they found that it exceeded two hundred men. Neither are they pleased at the position chosen, nor the commencement of works, which they seem to be aware are but a prelude to a permanent residence.

Beyond this, I see nothing at present to indicate anything hostile, and the community seem hushed into a kind of sulky submission, the doggedness of which will probably subside, unless the result of this day's meeting of the Volksraad should give a fresh impetus. Their committee have been preparing certain proposals respecting their future government, and some immunities to which they claim a right, and if approved by them to be laid before Her Majesty's Commissioner; therefore, upon their rejection or admission much will depend.

If the question of compulsory servitude be one of them, under the many shapes which it assumes here, the rejection of it will cause great murmuring. But it must be grappled with, not evaded; for the sooner the farmer clearly understands that slavery in any shape whatever cannot be permitted to exist, the sooner will the discontent subside, which this uncertainty of their positions regarding this and other questions has created. I mention it thus particularly because the endless references made to me by both parties on this subject is a source of continual embarrassment and difficulty.

By Mr. Cloete I was informed that the farmers had spoken to him respecting commandos which they were anxious to send against the Kafirs, and that he had referred them to me,—a reference which he thought would soon be made. This I regret, because I do not see how I can well accede to such a measure, when it is considered that the vast number of cattle taken from N'Capayi are yet unrestored, as well as those plundered from the Government. Neither can the farmers point out those by whom the thefts were committed, and merely wish to seize a number of cattle, equivalent to their losses, without regard to the injustice of punishing people of one tribe for the faults of another.—I have the honour, &c.,

(Signed) J. C. SMITH, Major.

## EXTRACT OF RESOLUTIONS

AT MEETING OF THE VOLKSRAAD, HELD AT PIETERMARITZBURG, ON  
4TH AND 5TH SEPTEMBER, 1843.

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[Enclosure in Commissioner H. Cloete's Despatch, 10th November, 1843.]

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Art. 3.—A letter from Mr. A. W. J. Pretorius, dated 30th August last, to the Council was laid before them, in which that gentleman reminds the Council to what an extent the Kafirs or Zulus are flocking into our territory (a territory willingly ceded to us by Dingaan), owing to which we are now robbed of our cattle, and that the Council may be pleased to devise some plan for obviating this, as otherwise we shall not be able to inhabit the country with any security.

The Council, after mature deliberation, has thought it expedient to propose to the hon'ble Her Majesty's Commissioner that the Kafirs should be removed from amongst us to the further side of the Tugela River, and to the junction of the Buffalo River or Umzimyati—and to the further side of the Umzimvubu: except such Kafirs as may engage themselves for hire as labourers amongst the people; yet so that every householder shall not retain more than five Kafirs with their families, as at an earlier date has been proposed and determined: That for this purpose Her Majesty's Commissioner be requested to take such measures as may be best suited to the removal of the Kafirs.

Further, that Her Majesty's Commissioner be made acquainted with the anxiety of the public, who for the last fifteen or sixteen months have been plundered of their cattle by the Kafirs, returns of which may be seen on reference to Commandant Rudolph, which returns may be exhibited to the hon'ble Commissioner, with a request for his opinion what the Council can or may do to recover the cattle, as the Council feels itself bound to protect the public.

By order of the Volksraad,

(Signed) J. BODENSTEIN, Secretary of the Volksraad.

A true copy:

(Signed) H. CLOETE, L.S., H.M. Commissioner.

HER MAJESTY'S COMMISSIONER, NATAL,  
TO THE HON. J. MONTAGU, SECRETARY TO GOVERNMENT, CAPE TOWN.

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Pietermaritzburg, 7th September, 1843.

SIR,— \* \* \* I transmitted on 12th and 14th ultimo to Major Smith the application of a number of the most respectable inhabitants of this town, supported by a similar application on the part of Mr. Zietsman, the landdrost, praying that Her Majesty's troops might march up, and, by taking military occupation of the town, contribute to the peace and good order of the town and country. Major Smith having abstained from answering the application until he had received a report of Captain Broke (whom I had invited to come up and witness the state of tranquillity of the country), apprised me on 17th following that he had determined upon sending up a detachment of 200 men and two guns; and having on the 24th informed me that the troops would march so as to be at this place on the 31st, I issued a public notice, copy of which is hereto annexed, informing the inhabitants of the object of the advance, so as to allay all excitement: and I am happy to say it appears to have been attended with the best effect—the town continuing perfectly quiet and undisturbed, and the inhabitants having generally resumed their several avocations, in full confidence of peace and good order.

Major Smith arrived on the 31st, and took possession of a commanding hill at the west end of the town, referred to in one of my former despatches, from which the British flag is now displayed as an emblem of peace and security; and I now feel a perfect confidence that, by steadily pursuing a system of justice and fairness with the inhabitants generally, the wounds which have hitherto been inflicted on the country will be speedily healed, and its acquisition prove one of the greatest blessings to the people, and of no less advantage to Her Majesty.

I beg also to acquaint His Excellency that the period elapsed on the 31st within which I have called upon the claimants to build lots within the town to prefer their claims. That notice having been generally attended to by the inhabitants, one single violent oppositionist, Gert Rynier van Rooyen, having under the fatal influence of his better half held out until the last moment, I was induced to send for him and acquaint him with my determination not to admit a single claim of such persons as obstinately refuse to prefer them after the lapse of this the last day of my presence here.



He returned in a few moments, bringing with him his documents in support of his claims and those of his sons, seven or eight even, which I then admitted; and with him, I believe, ends the last of those who were determined not to bring forward their claims to lands. There are, however, still about sixty building lots, of which the proprietors are living near and beyond the Draaksberg, and to afford them an opportunity of preferring their claims, I have issued another notice, authorising the landdrost, Mr. Zietsman, to receive these claims during my absence; as, awaiting His Excellency's further instructions, and fearful of the rainy season setting in, I have determined to visit the eastern boundary and the Zulu chief Panda immediately, every circumstance showing me the necessity of ascertaining precisely the extent of that boundary, and the expediency of exploring St. Lucia Bay, before an examination takes place of the several farms scattered throughout the colony. I have further to acquaint you that, for the purpose of giving me some protection during this extensive tour, and through a country infested by savage animals, requiring a guard to be kept by night, and also to give my first interview with Panda somewhat of an official character, I requested Major Smith to give me the escort of three mounted men and a corporal, with a spare horse, but which request he has found himself unable to comply with. I am perfectly aware that Major Smith will be unable to satisfy His Excellency that he could not conveniently spare the men; but I feel it due to myself and the mission in which I am engaged to record the fact that, having effected the entire pacification of this country without the aid of a single soldier, and having under His Excellency's instructions applied for but three men and a corporal, those could not be afforded to Her Majesty's Commissioner, to give him not only protection in a somewhat dangerous journey, but to give some moral weight and effect to this first official interview with a powerful native chief, whose conduct during the last year has been marked by considerable duplicity in his messages to the Commandant and the authorities at Pietermaritzburg.

I propose leaving to-morrow for Port Natal, where I shall complete my arrangements to take my departure for the Zulu country on the 13th.—I have the honour, &c.,

(Signed) H. CLOETE, H.M. Commissioner.

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PUBLIC NOTICE.

Her Majesty's Commissioner hereby gives notice to the public that the Commanding Officer of the troops at Natal purposes, at the

request of a number of the most respectable inhabitants of the place, to march a detachment of troops hither in order to aid the maintenance of peace and good order, to give protection to every person on his property, and to afford them generally the military protection which Her Majesty has promised them. Her Majesty's Commissioner trusts, therefore, that the marching of troops will not furnish opportunity to the ill-disposed to attribute it to any other cause than that which is solemnly here publicly notified.

(Signed) H. CLOETE, H.M. Commissioner.

Pietermaritzburg, 26th August, 1843.

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HER MAJESTY'S COMMISSIONER, NATAL,

TO THE HON. J. MONTAGU, SECRETARY TO GOVERNMENT, CAPE TOWN.

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Port Natal, 11th September, 1843.

SIR,—I have the honour to acquaint you that the "Thunderbolt" arrived here yesterday, bringing the Rev. Mr. Faure, with his lady, on a visit to the emigrant farmers, and I was favoured on the same day with your despatch of 29th ultimo, acquainting me with the object of his visit, and that His Excellency had been pleased to leave it to my discretion to engage the services of that gentleman for the object specified. Although I should have wished to have had the opportunity of in some measure preparing the minds of the people at Pietermaritzburg for this visit, for fear of creating any jealousy there, yet I feel entire confidence both in the zeal and discretion of Mr. Faure; so that I cannot but rejoice at his arrival, satisfied as I am that his prudence will prevent his clashing with the Rev. Mr. Lindley, a regularly ordained Presbyterian clergyman, paid by the people and officiating at Pietermaritzburg; and I shall, therefore, take the liberty of informing him of my wish to engage his services for a limited period, and for the object of devoting his attention to the District of Weenen, and generally throughout those parts of the country where he may not be subjected even to a desire to interfere with the clerical duties of the present incumbent at Pietermaritzburg.—I have the honour, &c.,

(Signed) H. CLOETE, H. M. Commissioner.

## DESPATCH FROM SIR GEORGE NAPIER

TO THE RIGHT HONOURABLE THE LORD STANLEY, SECRETARY OF STATE.

Government House, Cape of Good Hope,  
16th September, 1843.

MY LORD,—With reference to my despatch No. 162, of the 21st ultimo, I have the honour to acquaint your Lordship that, through stress of weather, H.M.'s steamer "Thunderbolt" was obliged on the 16th of that month suddenly to slip from the anchorage at Port Natal and put to sea, to which place she returned on the 18th; but from the dangerous state of the surf she was unable to communicate with the shore, and consequently Commander Broke and several of her officers were unable to get on board.

During that night, the weather became so boisterous that the first Lieutenant was obliged to get under weigh, to save the vessel from drifting on the rocks, and as the coal began to run short he was compelled to return to Simon's Bay for a fresh supply.

Of the necessity of this determination on the part of Lieut. Wodehouse, the Admiral commanding on the station is perfectly satisfied.

After undergoing the necessary repairs, she again sailed for Port Natal, from whence she returned yesterday evening, bringing me despatches from Her Majesty's Commissioner and from Major Smith.

The early departure of a vessel for England prevents me from transmitting copies of these reports; but I am happy to state that their contents are highly satisfactory. The excitement had entirely subsided: the people had resumed their ordinary occupations, and had given in their claims for land to the Commissioner to be registered. The party from the other side of the Drakensberg had returned to their homes; and, at the express desire and solicitation of the Volksraad, Major Smith had moved forward 200 rank and file of the 45th Regiment and two guns to Pietermaritzburg, to afford protection to the peaceful part of the community, whose property was threatened with destruction by a small but noisy rabble, who attempted to intimidate and annoy the majority on account of their submission to the British Government. This is the substance of the reports of Mr. Cloete, who expresses himself in the most decided terms in regard to the beneficial results to be anticipated from the change in the feelings and conduct of the people.

Major Smith continues to think that their submission has rather been produced by the force of circumstances than of reason. This is



not improbable; but there seems little ground for apprehending that any serious obstacles will now present themselves in regard to a peaceful settlement of the country.

The troops had been ten days in the occupation of Pietermaritzburg when the "Thunderbolt" left, and had taken up and begun to fortify a position from which the town could be effectually commanded.

I shall by the next mail transmit copies of these reports for your Lordship's information.—I have the honour, &c.,

(Signed) GEORGE NAPIER.

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### ADDRESS TO THE REV. A. FAURE.

THE ELDERS AND DEACONS OF THE DUTCH REFORMED CHURCH TO THE  
REVEREND A. FAURE.

[Translation.]

Pietermaritzburg, 2nd October, 1843.

REVEREND SIR,—We, the undersigned, elders and deacons of the Dutch Reformed Church at this place, cannot allow this opportunity of our ordinary meeting to pass without heartily welcoming you in writing, on your arrival at this place, and to testify our delight in the interest you have manifested towards us as countrymen and members of that church over part of which you have been appointed a shepherd and overseer. We desire, at the same time, to express our heartfelt thanks for the visit you have paid us in this remote region, to preach unto us the Gospel of Christ, and to stir up and encourage in that work our much-esteemed and worthy minister. We pray unto our Lord and Head of the Church that the seed which has already been so abundantly scattered by you in this place, and which may still be sown, may produce fruit an hundredfold, that your stay here may have blessed effects, and that you may return with your beloved partner to your congregation with invigorated strength of body, convinced that in the work of your Lord and ours you have also been useful to other congregations amongst your countrymen.

We feel assured that, after your return home, you will lend us your assistance, if necessary, for the interests of the church in this land, and take the liberty of declaring that in such cases we shall not scruple addressing ourselves to you.

We have the honour, with highest esteem, to subscribe ourselves, Reverend Sir, your obedient servants,

(Signed) S. E. STEENEKAMP, S. A. CELLIERS, E. F. POTGIETER, L. J. DE JAGER, G. R. VAN ROOYEN, H. P. R. PRETORIUS, J. H. BRUWER, J. H. R. LEMMER, E. A. NAUDE, J. BOSHOFF.

## DESPATCH FROM SIR GEORGE NAPIER

TO THE RIGHT HONOURABLE THE LORD STANLEY, SECRETARY OF STATE.

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Government House, Cape of Good Hope,  
6th October, 1843.

MY LORD,—In my despatch No. 185, of the 16th ultimo, I reported the results of the meeting of the emigrant farmers held at Pietermaritzburg on the 7th August last, and stated that I should within a few days again address you upon the subject. I now transmit an extract from the minutes of the Executive Council, dated the 21st ultimo, and copies of all the reports of the Commissioner and the Commandant, and of the other documents submitted to the Council, and referred to in their minutes, together with copies of the instructions which, in accordance with their suggestions, have been so clearly drawn up by the Secretary to Government, addressed to Mr. Cloete and Major Smith.

These enclosures contain such ample information in regard to the proceedings of the emigrant farmers, the restoration of peace, and the tranquillity among them, and the subsequent movement of troops to Pietermaritzburg, being for the purpose of checking any disposition to turbulence among the disaffected, that I shall not trespass at length upon your Lordship's attention.

In my despatch No. 149, of the 29th July, I acquainted your Lordship that I anticipated the failure of Mr. Cloete's mission, in consequence of the feeling evinced by the farmers on his first arrival among them, and up to the date of the meeting he seems to have had little hopes of success. From his report of the 8th August, however, you will observe that Mocke and his party made an attempt to remove the present members from the Volksraad, and elect a new Council, composed of persons who would have joined in carrying a declaration of entire independence of the British Government.

This attempt was defeated through the firmness of the present members, and through the support afforded to them by Joachim Prinslo, one of the persons excluded from the general amnesty; and on its failure, Mocke and his party desisted from all interference in the proceedings of the Volksraad, and shortly after retired to their locations on the other side of the Drakensberg.

I entirely approved of the reasons assigned by Major Smith for declining to push forward troops to Pietermaritzburg prior to the date of the meeting; and, independent of these reasons, I think it is a

very fortunate circumstance that their submission should have been the result of their own deliberations, and that in arriving at that decision they were unawed and uninfluenced by the appearance of a military force. Any collision would have been much to be deprecated, and perhaps, in the midst of angry discussion, would have been with difficulty avoided; but now, the troops having had time to get into and fortify a strong position, there is little fear that anything of an unpleasant nature will occur; and if it does, the Commandant will be well prepared to meet the emergency.

Seeing, then, that affairs have thus taken a favourable turn, it appears to me expedient not to allow the trade of this district to remain any longer upon the footing it has hitherto been placed, as detailed in the memorandum of the Collector of Customs, which forms one of the enclosures; therefore, in accordance with the advice of the Executive Council, I issued a "proclamation," making known the provisional arrangements under which the trade of that port would be conducted, pending the ultimate decision of Her Majesty's Government. To the "tariff" therein referred to, some alterations have been made by my subsequent proclamation of the 3rd instant, in regard to the admission of wine and brandy, the reasons of which I shall explain hereafter, merely observing here, that on issuing the proclamation of the 28th ultimo, the Council were well aware that some modification of the nature now made was necessary, either at present or at some future period. I trust that all the arrangements recommended by the Council, and given effect to by me, in regard to the provisional establishment for carrying on the government of Port Natal, will meet your approval; and I beg to assure you that no time will be lost in bringing the labours of the Commissioner to a close, being fully impressed that it is of the utmost importance that Her Majesty's final decision respecting the future government of that country should be delayed no longer than is absolutely requisite.

I refrain at present from touching upon the difference in the statements of the Commissioner and the Commandant in regard to the understanding to which they had agreed, in regard to the movement of the troops to Pietermaritzburg, until I shall be furnished with Major Smith's remarks upon Mr. Cloete's letter of the 31st July. Matters being now favourably settled, I apprehend no impediment to the public service from this delay, as their duties are so entirely distinct from each other; but, to whatever decision I shall eventually arrive, I feel satisfied that, from the labour bestowed in the investi-



gation by the Executive Council, ample justice will be done to the merits of the case.

I have to apologise for not making separate reports upon the various subjects adverted to in the documents now transmitted ; but the questions are so blended together throughout the whole correspondence, that I feared if I attempted to detach them I should occasion more trouble to you than I shall do by including them all in the same despatch.—I have the honour, &c.,

(Signed)      GEORGE NAPIER.

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THE HON. H. CLOETE TO THE HON. J. MONTAGU,  
SECRETARY TO GOVERNMENT, CAPE TOWN.

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Pietermaritzburg, 28th October, 1843.

SIR,—On the 23rd instant I addressed you a few lines by the “Pilot,” then about to sail for the Cape, in order to acquaint His Excellency with my safe return on the evening of the 21st from the Zulu country, and shall now proceed to impart to you, for His Excellency’s information, the full details of this interesting and successful mission.

Immediately after Major Smith had taken peaceable possession of Pietermaritzburg, and the minds of the people here appeared to me to become sensible of the advantages they were already deriving from a more settled government, several weighty reasons combined to urge me to visit the Zulu king, Panda, as soon as possible.

In the first place, I found on examination of the books of the Volksraad that they had either not defined, or otherwise had not respected, any settled boundary between this colony and the Zulu country.

Claims appeared entered in the book of registry to farms situated for many miles to the eastward of the Tugala River, which had always been represented to me as the eastern boundary of the colony. Another powerful inducement existed in the necessity of awaiting His Excellency’s further instructions on the manner of examining into and classifying the lands and farms which I had now to visit and report upon. I had fully detailed in my despatch of the 8th of September last my views on the subject, and calculating that five or six weeks must elapse before I could be favoured with an answer, I determined to fill up the interval by settling the eastern boundary :

and, lastly, I was informed that the rainy season, which sets in about the month of November, frequently rendered several of the principal rivers impassable for weeks, and even months, which would have rendered a journey undertaken at a later period of the year extremely tedious, unpleasant, and uncertain in its duration. Induced by these several considerations, I made the necessary preparations in the beginning of September, but was delayed for some days by the equinoctial gales and rains, which set in early this year with unusual violence, flooding the whole country, and rendering the rivers around unfordable for many days. The disappointment I had experienced in not having an adequate military escort was amply compensated by the unexpected offer of Commandant Rudolph, who voluntarily offered to accompany me on this tour, and I gladly availed myself of this offer, conceiving that his presence at Panda's would afford him the best proof of the entire submission of the emigrant farmers; and the effect thereby produced was exactly what I had expected: and another disappointment to which I was subjected (on being informed by Captain Durnford at Port Natal that by Major Smith's directions he could not allow the interpreter Young to accompany me, unless I left an orderly who had been attached to me ever since my arrival) was also happily overcome by my engaging, at my own private expense, another interpreter—a Mr. Joseph Kirkman—of whose ability I had received the highest testimonials; and I am happy to state that not only did his perfect acquaintance with the language and the people give me great confidence, but that I feel mainly indebted to the able and zealous manner in which he discharged his duties for the successful accomplishment of my mission.

Having further secured the kind assistance and guidance of Mr. D. C. Toohey, who was well acquainted with the people and the country, and who throughout proved of invaluable assistance to me, I left Port Natal on the 18th September last, and on the 22nd passed the Tugala (which was found fordable), and on the evening of that day we reached the first Zulu kraals, under a petty chief, Fika. The next morning, the 23rd, took us to Tontaleen, a great military kraal (or cantonment), under the chief Catjaan, where a regiment of young recruits, about 500 strong, called the "Inglubis," or "Young Pigs," was quartered, who gave us the first specimen of a military dance or spectacle. We found the surrounding country almost depopulated, in consequence of the recent flight of Mawa and her followers, who have all fled into the Natal territory within the last few months, and are now settled down in various parts of this

colony. On that day (23rd September) and several following we saw the remains of many extensive kraals, which had evidently been abandoned shortly before, and the whole country up to the Inseleen appeared almost denuded of population, and Panda seemed, by keeping up a few kraals near and at Tontaleen, under the principal military chiefs, Monklaas and Catjaan, only to hold possession of a country, otherwise deserted, to cut off the communication of his people with the Natal territory.

From Tontaleen I despatched a special messenger to Panda to announce the object of my intended visit, and continued for eight days crossing a country which gradually became more populous as we trended to the northward, and which, for apparent fertility of soil and picturesque scenery, is unsurpassed by any in the world.

On the 30th September we reached Eslapeen, the capital of the Zulu country, and the present residence of Panda, and on the following morning I was presented to the king, seated at the upper end of his kraal, surrounded by about fifty of his counsellors. Seven or eight hundred men immediately commenced a war dance, when I briefly stated to him the entire submission of the Natal territory to Her Majesty's authority, and my desire to settle the future boundaries between the two countries. He expressed himself much pleased at this intelligence, and promised to visit me in my tent and talk matters over. In the afternoon of the same day he accordingly came, accompanied by about a dozen of his chief counsellors, when I immediately proceeded to business by informing him, in the first instance, that all the emigrant farmers at this side of the Draaksberg had formally submitted to Her Majesty's Government, as he might perceive by the presence of their Commandant Rudolph with me, and that my object was now, in the name of Her Majesty, to arrange with him, in a friendly manner, the respective boundaries of the two countries.

We then proceeded to discuss the several objects connected with the relative situations of the same, and I fully explained to him that to keep and maintain peace between his subjects and those of Her Majesty, a well-defined boundary line (if possible marked by some broad river up to the Draaksberg) was essential, stating that the river Tugala (which I had formerly understood to have been the boundary between the two countries) had not been respected by either party, as I had found kraals belonging to him (Panda) on the right bank of the Tugala, while the emigrant farmers occupied and claimed several farms on the left bank.



He thereupon commenced to enter into a long statement of his complaints about the defection of his people, and the abduction of his cattle by them, which he emphatically repeated he had undoubted authority for stating were kept in great numbers by a Zulu chief, Coffejaan, residing near Natal, and began urging me strongly to drive all his runaway people back to his country, and restore his cattle. A long, desultory discussion thereupon took place, which it is impossible to convey, in the course of which I succeeded in obtaining his acquiescence to allow the Tugala to form the boundary until its junction with the Umsingatie (or Buffels River), and from thence northward to the Draaksberg; while, on the other hand, I assured him that the authorities in the colony would ever discourage every attempt to rob him of his cattle, that he had a proof of this in Major Smith having succeeded not long ago in some, and that he might rest assured that if such cattle could be clearly traced in the possession of any Kafir, every pains would be taken to restore them: apprising him, however, of the great difficulties of such research; and that, with regard to his people, their influx had already become a matter of serious alarm among the inhabitants of Port Natal, but that no authority there would venture to force them back to his country against their will. After a lengthened conversation on these and other subjects, which it is unnecessary here to repeat, he departed, promising to consult with his indunas, or counsellors, and to communicate with me further, stating at the same time that he could do nothing without the presence of a counsellor, Mapeta, one of his nearest relatives, who had not yet come to Eslapeen, although sent for. He at the same time invited me to a warrior dance on the next morning at his kraal. I repaired thither about 10 o'clock, with my whole suite, and found about 3,000 men assembled, in five or six regiments, who alternately performed their military evolutions by the most discordant yells and horrible gestures. After witnessing this exhibition for upwards of two hours I departed, urging him again to proceed to business, which he again evaded on the plea of waiting for his relative Mapeta. I then at once informed him that my business could admit of no delay; that I had fixed until the Thursday following (the 5th October) for my stay at that place, and I was determined to depart on that day, whatever might be the issue of our discussions. He tried to induce me to prolong my stay, and began pressing me on the subject of presents, which he said he was accustomed to receive; but finding me determined in the date fixed for my return, and that I was equally determined not to make him

any presents until the moment of my departure, and to regulate them somewhat by the terms on which we might separate, he promised to resume business the next day, whether his relative Mapeta arrived or not; nor did this person appear afterwards; and on the next day ten or twelve of his indunas came down to my tent, unaccompanied by Panda, stating that they were authorised to make the preliminary arrangements with me, subject to the king's approval of their proceedings.

As the indunas laid much stress on their statement that Panda had several kraals on the right bank of the Umsingatie (or Buffels River) which he did not wish to disturb, to guard against the possibility of any misunderstanding hereafter, I determined to commit to paper the precise tenor of our arrangement, which I informed them I should wish to have attested by the king, and which would thereupon be transmitted to Her Majesty, in order to obtain her approval or sanction; and the interpreter, Mr. Kirkman, accordingly repaired to the king, and in the presence of his whole council interpreted every word of the sketch I had drawn of the proposed treaty, with which Panda expressed himself perfectly satisfied, and promised to come down the next day to sign and confirm the same on his part.

On Wednesday he again invited me and my suite to visit his "Incosla," or private apartments—to call them a palace would be a mockery—where we saw twenty of his wives decked out with beads in the most profuse and gorgeous manner from the head to the knees, chanting a most monotonous chorus in praise of their king, and going through a measured tramp or tread, having their bodies bent in abject submission before their lord; and it was truly a distressing sight to witness the degraded state in which there (as throughout the whole country) the female sex is kept, thus clearly affording the strongest proof of the state of barbarism in which the whole population is at present sunk. On the following morning (Thursday) I was early surprised by a message from the king, to the effect that he had just received intelligence of a horrible murder and robbery of cattle committed by some Natal Kafirs at one of his kraals near the Inseleen; that he was much displeased at such intelligence, showing as it did that his people were not a moment safe from such inroads, and urging me again to promise to drive all his runaway Zulus out of the Natal territory. I immediately expressed my abhorrence of such an act, and stated that I would on my return make a strict enquiry into the commission of the crime, and, if the guilty persons could be traced and identified, I assured him that they would be given up to

be dealt with according to their laws, or would be punished according to ours, but that I could not drive back any of his people who had once fled from his country to escape from his tyranny ; that he ought to be fully aware that it was entirely owing to the cruel treatment experienced by his subjects that they fled from his into our country for protection, but that I had no authority whatever in those matters, and that with Her Majesty alone rested the power of deciding on the future fate of these people. I, however, informed him that this intelligence could make no difference to the arrangements for my departure, which remained fixed for noon on the following day. Shortly after my answer to his message had been despatched back, Panda arrived at my tent, accompanied by about twenty of his principal indunas, when, after much discussion on the subject of the intelligence he had just received, he signed the documents which had been previously submitted, and were then again interpreted to him ; and I again repeated to him that the purport of these documents thus drawn up by me was entirely subject to the approval of Her Majesty, who would, if approving thereof, direct their being carried into effect ; and I proceeded at once to give him about forty pounds sterling worth of presents, consisting of blankets, baize, beads, and various other articles, with which he expressed himself highly pleased. He added a request for a gun, with some ammunition, which I also presented him with. He then again pressed me for a file, as the only manufactory carried on under his orders consisted in making rather clumsy but showy brass armlets, which are distributed by him to his principal warriors. Not having such an instrument, I promised to provide him with one if he sent a messenger for it, while he in return promised to give some elephant teeth on my journey back, which I received afterwards from his chief captain, Catjaan. All the arrangements for my departure having been made in the meanwhile, I left Eslapeen at noon on the same day.

As I had promised Panda, I felt it also my duty to act upon the commission held by me as a magistrate, under the act passed in the 6th and 7th year of his late Majesty. I determined upon making a considerable detour to repair to the spot where the murder and robbery had been committed. On the 8th October I reached one of Landrilla's kraals, near which, in an isolated and thorny glen, I inspected the dead body of a young lad about thirteen years of age, whose neck had been most frightfully cut, nearly severing the head from the trunk, and I instituted immediately the necessary preparatory examination to endeavour to trace the perpetrators of this horrible deed.



After taking all the evidence obtainable at and near the spot, I continued my journey to St. Lucia Bay, through an indescribably fine country, and on the 11th October reached, with the wagons, the kraal of Umcaboca, the chief of the Lukoela tribe, occupying the territory between the mouth of the Umslatoes and Umvaloos Rivers. This tribe had been subdued by the Uurtittas, an adjoining tribe, situate to the northward, and both these were conquered by Chaka, since which time Umcaboca admitted that he had been subject to the Zulu power. He, however, evidently considered this very little more than a nominal allegiance, and the death of Panda, on the breaking up of his power (already daily diminishing) will soon restore these tribes to independence.

The chief appeared to be an indolent, pampered being, measuring nearly 4 feet 6 inches round his naked waist.

I devoted the 12th to an examination of St. Lucia Bay, and, leaving my wagons, had to travel for about ten miles on horseback, through a dense forest, with which a range of sandy hills, about 400 or 500 feet in height, is covered along the whole coast line, and during the last five or six miles these hills presented the only barrier to the Umvaloos River, which there flows in a bed about 200 yards in width, nearly in a north-easterly direction, until it empties itself into the sea.

We at last, after a very toilsome ride, reached the mouth of the Umvaloos, which as a bay disappointed my expectations. We saw it at dead low water, and it thus presented the least favourable aspect. The channel directly communicating with the sea is not more than thirty yards wide, and a heavy surf on the bar seemed to render any communication with the ships difficult and dangerous. Umcaboca afterwards assured me that boats had entered the mouth not very long ago. Not having any means of examining the bar, I must content myself with merely expressing my opinion that in its present state it would be hazardous for any vessel to attempt entering, although the Umvaloos River would afford them perfect anchorage inside, but that the whole appearance of the coast and of the country around warrants the inference that the bar at its mouth has gradually been formed by reason of the vast extent of land which is overflowed at every rise of the Umvaloos before it disembogues its superfluous waters into the ocean.

From the beach, the high mountains throughout the Zulu country are not even visible. Hundreds of square miles around appear but a few feet elevated above the ordinary bed of the Umvaloos. This tract

of country everywhere exhibits traces of being almost always flooded, and thus uninhabitable in its present state ; but if this mighty stream could be confined within its bed, there appears no reason to doubt that it would soon carry away the present sandy bar at its entrance, which is only elevated a few feet above low-water mark.

I feel it my duty to throw out these observations rather to excite than satisfy curiosity, for such is the fertility of the soil and healthiness of the country to the westward, and such the political state of the country, that it cannot be expected that this extensive territory can long remain unnoticed by European Powers, who all appear desirous to throw off their superabundant population. I should, therefore, hope that these observations will serve to draw the attention of Her Majesty's Government to this object, and that an examination by one of Her Majesty's steamers may soon put the Government in possession of full and correct information on this important point.

On my return from St. Lucia Bay, I continued visiting a very large estuary formed by the mouth of the Umslatoes, about fifty miles to the westward of the Umvaloos, and, recrossing several other streams in the Zulu country, passed the Tugala ford on the 19th, and on the evening of the 21st reached Port Natal, after an absence of only one month and three days ; and on the third day after my arrival the "Rosebud" reached the Port with the answers to my several despatches of August and September last, having thus exactly filled up the space of time, during which I was necessarily placed in some state of suspense before proceeding with my enquiries into the titles of lands and farms throughout this country.

Having thus given a full detail of my journey and proceedings in the Zulu country, I shall take leave to offer a few remarks on the state of that country, as immediately affecting the interest of this colony. Nothing struck me more forcibly than the recent traces of the abandonment of the country along the coast by its former inhabitants, and the symptoms of the approaching fall, or decay of the power of Panda. The system of the indiscriminate destruction of entire kraals, which he appears to have pursued of late, has now caused such a dread throughout the country that the people, hearing from every trader and his followers the comparative safety and comfort of those who have sought refuge in this colony, have already flocked by thousands within our limits, and the remainder are prepared on the least alarm to fly to this country.

I forcibly (but I fear with little chance of convincing) impressed upon Panda the natural and irresistible consequences of these acts

of tyranny, and that a continuance of this system must lead to this colony becoming inundated by a mass of fugitives, whose numbers in the last few years have already increased to such an extent as to become a serious source of alarm to the inhabitants, requiring an early attention both of the legislative and executive government.

The horrible murder and robbery committed by some Port Natal Kafirs during my journey (a report of which reached Panda on the very day fixed for the signing of the boundary treaty) had well-nigh involved me in considerable difficulties with the king; and nothing but the determined manner in which I had fortunately prevented any of these Kafirs accompanying my wagons (which circumstance had been reported to the king) prevented him from mixing me up in some degree with these outrages. From this occurrence, and the number of Port Natal Kafirs whom I afterwards met in the Zulu country, it appears evident that no friendly relations will be long kept up with that country, unless every possible effort is made to check the present rage which prevails among the Zulus about Port Natal to make inroads in o the Zulu territory. This might be easily prevented by compelling every one entering that country to provide himself with a pass or licence for so doing; and these passes should recite the object for which the holder desires to visit the Zulu country. Without some such regulation, the Zulu country will for ever be exposed to the lawless incursions and aggressions of the inhabitants of this colony, both white and coloured: these inroads will immediately lead to retaliation, and the miseries of the Eastern colonies of the Cape Colony will be repeated here with fearful effect.

In regard to the treaty with Panda which I have effected, subject to the approval of Her Majesty's Government, I shall also take leave to observe that the policy of keeping on a friendly footing with so powerful a chieftain, in the present unsettled state of the whole country around, is so obvious that I cannot but hope it will merit the approbation of Her Majesty's Government, by my having thereby obtained the surest pledge for his keeping at peace with Her Majesty's subjects who may visit his territories, and without any sacrifice, promise, or compromise whatever on my part, and more particularly in my having obtained his acquiescence to this colony now enclosing within its limits the most valuable tract of country which in the opinion of the inhabitants could be annexed to it, independent of the security which it affords to the communication from this colony into the interior of Africa.

To make this better understood, it is necessary to state that the



two branches of the Tugala, called the Great and Little Tugala, arise to the westward of north of this town, and that their courses for nearly forty or fifty miles are nearly east before they join the Umsingatie, or Buffels River (a very strong stream, tributary to the Tugala), which has a course due south, and joins the latter at a distance of about sixty miles from the sea.

The distance between the Umsingatie and the Tugala at their respective sources is nearly sixty miles, including (as I am informed) the most (if not only) healthy tract of country for sheep, and land of surpassing fertility, and will thus form an invaluable appendage to this colony, by being situated to the south of the Draaksberg, and thus perfecting the square or parallelogram which may be considered the present form of this colony.

I have thus succeeded within the brief space of one month in laying the foundation of a friendly intercourse between the two countries, in obtaining the best pledge from the Zulu king as to his peaceable conduct, and in defining the respective boundaries so as to prevent the future clashing of the inhabitants, and include a valuable tract of country within its limits.—I have the honour, &c.,

(Signed) H. CLOETE, H.M. Commissioner.

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## ARTICLES OF A TREATY

MADE AND ENTERED INTO BETWEEN AND SIGNED BY THE UNDERSIGNED, PANDA, KING OF THE ZULU NATION, ON THE ONE PART, AND THE UNDERSIGNED, THE HON. HENRY CLOETE, L.S., LL.D., IN HIS CAPACITY AS HER MAJESTY'S COMMISSIONER FOR THE TERRITORY OF NATAL, ON THE OTHER PART.

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### ARTICLE FIRST.

There shall be henceforth, and for ever, peace and friendship between the undersigned, King Panda, and his subjects, and Her Majesty Queen Victoria and all Her Majesty's subjects.

### ARTICLE SECOND.

It is hereby agreed between the undersigned that the respective boundaries between the territory of Natal and the Zulu nation shall be defined at the sea line by the mouth of the river Tugala, and from thence upwards until the junction of that stream with the river Umsingaatee (or Buffels River); from thence upwards by the said river Umsingaatee (or Buffels River), or such other boundary line

along or near its banks as may at any time hereafter be fixed upon by the undersigned, Her Majesty's Commissioner for the Territory of Natal, or such other Commissioner or Commissioners as Her Majesty may specially appoint, and by any two Indunas or Commissioners whom the undersigned Panda, King of the Zulu nation, may appoint for that purpose; and from thence northward to the foot of the Quathlamba (or Draaksberg) Mountains.

## ARTICLE THIRD.

The undersigned, Panda, King of the Zulu nation, hereby agrees and binds himself to direct Koedoe, the captain of certain kraals placed by the late King Dingaan on the right bank of the Tugela, and all such other captains or chiefs of kraals as may be found to come within the boundaries of the territory of Natal, hereby fixed and determined, to be removed from their respective stations;

The undersigned, Her Majesty's Commissioner, for and on behalf of Her Majesty, hereby agreeing and consenting to allow them to remain until their present crops shall have been reaped, and then to take with them all their lawful effects and property.

Thus done, agreed upon, and confirmed by the signatures and marks of the undersigned, King Panda, and the undersigned, Her Majesty's Commissioner, at the chief town of Eslapeen, on this fifth day of October, in the year of our Lord one thousand eight hundred and forty-three, in the presence of the undersigned witnesses.

This is the mark of the King PANDA + made by himself.

This is the mark of the Induna UMWANKLAUNA + made by him.

This is the mark of the Induna UMKONDAMIE + made by him.

(Signed) H. CLOETE, H.M.'s Commissioner.

As witnesses: (Signed) D. C. TOOHEY,

„ C. J. BUISSINNE.

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This document has been faithfully interpreted from word to word by me to the King Panda, who declared fully to understand and approve of the contents thereof.

(Signed) J. KIRKMAN.

A true copy: (Signed) H. CLOETE, H.M.'s Commissioner.

## HER MAJESTY'S COMMISSIONER IN NATAL

(MR. H. CLOETE) TO THE HON J. MONTAGU, SECRETARY TO GOVERNMENT.

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Pietermaritzburg, 29th October, 1843.

SIR,—In my letter of the 15th of August last, I had the honour to acquaint you, for the information of His Excellency the Governor, that for some time past I had heard that an attempt had been made by some of the emigrant farmers from beyond the Draaksberg to open a communication with the sea by the St. Lucia Bay. I also learnt shortly after my arrival here that one Johannes de Lange, living near the Tugala, had been despatched by the Volksraad last year to explore the country around that bay; and from the manner in which that intelligence was casually obtained by me, I was not without apprehension that the adventurer Smellekamp, supercargo of the Dutch schooner "Brazilia," would have endeavoured, and might have succeeded, to communicate with the emigrant farmers beyond the Draaksberg by effecting a landing in that bay. This induced me to avail myself of my visit to the Zulu king Panda to obtain every possible information as to the facilities which that bay afforded for a communication with the sea; and in my first conversation with Panda, I endeavoured to procure such intelligence, but the result appeared then rather unsatisfactory. Panda admitted that he knew that this bay (which by the Zulus is simply known as the mouth of the Umvaloos River) had been visited by Johannes de Lange, and also that boats had entered that river from the sea, but further particulars he appeared either unable or unwilling to impart. After our discussion as to the boundary line had progressed in such a manner as to impress me with the prospect of securing that primary object, I threw out to Panda that, although Her Majesty was by no means desirous to extend her territorial possessions, it would be desirable, both for the security of the Natal territory, and for his own interests, that all access into his dominions should be closed to other European nations, whose spirit of enterprise and colonization would soon be drawn to these regions. I therefore proposed to him to vest the sovereignty of the mouth of that river and the bay there situate in Her Majesty, who would thus be enabled to prevent any Foreign Power from forming any settlement there. Panda at first made some objection to the proposal, on the ground that he did not wish any European colony being formed at that end of his kingdom, where he admitted that the inhabitants were not



very faithful in their allegiance; but upon my assuring him that the cession of this bay was an idea which had entirely originated with myself, and that I had merely mentioned the subject with a view of securing both countries from being unlawfully visited by adventurers of any foreign countries,—and that to give him the best assurance that this was my only object, it might be left to any persons hereafter appointed by Her Majesty, and by him, to fix the limits of the bay so ceded,—he promised to consider this point, and to consult with his indunas on the proposal. The day after our interview, a body of these counsellors called and declared they had expressed themselves to the king as favourable to this cession, conceiving that it would be desirable to prevent all intercourse with or access to other nations. Upon this declaration, I proceeded to draw out a deed, ceding all right and title to the bay situate at the mouth of the Umvaloos to Her Majesty, subject to any future arrangements that might be made hereafter as to the extent of the land surrounding the bay thus ceded to Her Majesty. This document was afterwards fully and faithfully interpreted to Panda, who expressed himself perfectly satisfied with the terms of this cession, and he subscribed the document, together with the treaty fixing the boundaries of the respective countries. In thus securing for Her Majesty the possession of this entrance into the South Eastern part of Africa, His Excellency will feel that my sole object was to render complete the pacification of this country. So long as the emigrant farmers beyond the Draaksberg still continue in an insane struggle for independence, and are (I grieve to think) encouraged by a few wicked and desperate characters, who are still allowed to reside within this territory, and so long as they can indulge the hope of being provided with ammunition and other necessities (to them) by keeping open some communication with the sea, so long will it be impossible to expect the inhabitants of this colony to be entirely free from the contamination and excitement prevailing around them.

By this cession, Her Majesty is enabled now to command every port and creek from Delagoa Bay to the Orange River, and effectually to exclude every Foreign Power from intermeddling with these tribes. The unhealthiness of the country around Delagoa Bay has been experienced by some of those who already attempted some years ago to advance in that direction; and so many lost their lives that I do not think that any emigrant farmers will ever again endeavour to settle in that neighbourhood.

There is still another consideration which strongly urged me to

secure the entrance to that bay to Her Majesty. The whole extent of country along the coast now forming part of the Zulu country has of late become almost entirely depopulated by the defection of thousands of natives, who have fled into this country. Panda evidently endeavours to keep up some military kraals near the Tugala still to hold the country ; but a single defeat, or any of those revolutions to which so sanguinary a chief is subject, will at once render this country free from the Zulu tyranny. The small tribes now still remaining will then resume their desultory warfare, followed by destruction of their lives and means of subsistence, and the attention of some European Power will immediately be drawn to a spot which, for beauty, fertility, and healthiness, fully equals this colony.

I am aware that even in various parts of Germany the country around this has been represented as holding out every inducement to emigrants ; and should a colony there be formed of persons not subjects to Her Majesty, it will be impossible to conceive all the difficulties with which the administration of this country will be beset. Impelled by these considerations, I took upon myself to secure to Her Majesty the legitimate power of commanding the only entrance by which the emigrant farmers might still communicate with the sea ; and I hope that in so doing I shall meet the approbation of His Excellency and of the Government. This acquisition having been obtained without any sacrifice whatever, and tending as it necessarily will do to give stability and security to this colony, now becomes a most valuable appendage to Her Majesty's dominions.

I have the honour, &c.,

(Signed) H. CLOETE, H.M. Commissioner.

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[Enclosure.]

COPY OF TREATY.

I, the undersigned, Panda, Chief and King of the Zulu nation, do hereby declare to cede all right and title which I heretofore had to the mouth of the River Umvaloosi and to the bay there situate, to and in favour of Her Majesty Queen Victoria, or the lawful Sovereign of Great Britain for the time being, for ever, with full liberty to visit, land upon, and occupy the shores along the said bay and mouth of the said River Umvaloosi, the undersigned hereby agreeing and consenting to appoint, whenever he shall be thereto requested, two Indunas or Commissioners for the purpose of defining and fixing

the limits and extent of the seashore so ceded and given up to Her Majesty Queen Victoria, or the lawful Sovereign of Great Britain for the time being.

In witness hereof, I have hereto affixed my mark, at my chief town, Eslapeen, on this the fifth day of October, in the year of our Lord one thousand eight hundred and forty-three, in the presence of the undermentioned witnesses.

The contents of this document having been fully explained to and fully understood by me.

This is the mark of the King PANDA + made by himself.

This is the mark of the Induna UMWANKLAUNA + made by him.

This is the mark of the Induna UMKONDAMIE + made by him.

Witnesses: (Signed) D. C. TOOHEY,  
 „ C. J. BUISSINNE.

This document has been faithfully interpreted from word to word by me to the King Panda, who declared fully to understand and approve of the contents thereof.

(Signed) J. KIRKMAN.

A true copy:

(Signed) H. CLOETE, L.S., H.M. Commissioner.

HER MAJESTY'S COMMISSIONER, NATAL,  
 TO THE HON. J. MONTAGU, SECRETARY TO GOVERNMENT, CAPE TOWN.

Pietermaritzburg, 3rd November, 1843.

SIR,—I have the honour to acknowledge the receipt of your several letters of 29th September and 6th and 11th October last, received by me successively by the “Rosebud” and “Mazeppa,” and shall now proceed to answer the important topics therein contained.

In answering the first, dated the 29th September, I must premise by expressing my satisfaction that my conduct towards accomplishing the pacification of this colony has met with His Excellency's approbation, and merited the expressions with which that approbation has been conveyed by you. As His Excellency has, however, thought it just to suspend his opinion on a discrepancy between my statement and that of Major Smith in regard to march-



ing troops to Pietermaritzburg, I shall merely beg to express a hope that His Excellency, having furnished Major Smith all my statements, will with equal justice favour me with those of the Major, so that I may be enabled to judge in what that discrepancy exists, or to offer such explanation as may possibly remove any apparent contradiction; for, however widely we may have differed in our opinions regarding that movement, I can hardly conceive that any material discrepancy can exist touching the facts of the case.

His Excellency having been pleased, by a proclamation of the 28th of September last, to place the trade of this colony upon a sound footing, and by the appointment of proper officers to secure an efficient collection of the custom dues, I duly communicated to the Volksraad the measures which His Excellency had adopted in that regard, as also the directions with which I had been honoured in respect to the regular payment of the salaries of all persons employed here as public servants. I received an answer (copy of which is hereunto annexed) which evidently shows the favour with which my communication had been received, and a list of persons employed as public servants (including therein a pension of forty-five pounds to a missionary, Erasmus Smit, who for many years had officiated here as minister), was transmitted to me. The whole of these salaries amount to the sum of three hundred and twenty pounds and ten shillings sterling; and, availing myself of His Excellency's authority, I increased the very inadequate salaries of the Landdrost of Pietermaritzburg and of the Secretary to the Volksraad by fifty per cent., and made such other trifling increases in the salaries of others as to make their civil list amount to the sum of four hundred and twenty-eight pounds sterling.

This does not include the increased establishment of the police force here, the landdrost having informed me that he had some difficulty in finding proper subjects; so that, setting apart a sum of thirty-six pounds sterling for the additional constables he proposes to employ, will bring the entire civil establishment to the sum of four hundred and sixty-four pounds sterling. I shall transmit the list to Major Smith the moment the two additional constables have been reported to me, so as to enable him to pay out their salaries as directed by His Excellency.

The Landdrost of Pietermaritzburg and the Secretary of the Volksraad have both requested from me to allow their salaries to be drawn from the first of July last, as they had not received a fraction of pay from that period; but I declined holding out to them any

promise to that effect without His Excellency's sanction. If His Excellency thinks proper to entertain such an application, I would beg to submit that the period from which these functionaries might be paid should be from the first of September last (the month following the declaration of submission by the Volksraad). This would increase the amount by £71 6s. 8d. sterling, still making the expenditure of the salaries little more than one-half of that contemplated by His Excellency.

Mr. Erasmus Smit (as a pensioner) might perhaps be considered as not coming under the designation of "public servants" in employ; but I also take leave to submit to His Excellency that it has been reported to me, upon inquiry made, that this individual (who followed the first emigrant farmers to this colony, and ministered to their religious wants until succeeded by the Rev. Mr. Lindley) is a person of infirm health, great age, and totally destitute, and upon this representation I have been induced to allow his amount of pension to remain, subject to His Excellency's approval.

I have duly forwarded to Joachim Prinslo and to Michael van Breda copies of His Excellency's proclamation, which I have no doubt will have a most salutary effect in promoting the tranquillity of the District of Weenen, which \* \* \* \* I regret to state has been somewhat disturbed by the late intelligence communicated to them by Smellekamp that he had arrived at Delagoa Bay, and that the clergyman Ham was there, ready to come to the emigrant farmers. This has again been made a handle of by some wicked and evil-disposed persons to thwart the Rev. Mr. Faure in his praiseworthy efforts for their spiritual welfare; and I regret that, having issued my public notices to all persons to bring in all claims to lands throughout this whole colony at this place on or before the 15th of December next, I am thereby prevented from repairing to the spot to allay that ferment. The Rev. Mr. Faure has addressed to me a letter, stating the difficulties he has experienced, and soliciting my advice as to his future movements. I have, therefore, recommended him still to await this month for any application that may be made to him to repair to that district: but should this be delayed, to return to Port Natal by the first of December, where (from a letter received by me from Captain Wyvill), I understand that Her Majesty's ship "Cleopatra" is likely to touch about that time on her voyage to Simon's Bay, as I am anxious to secure to the reverend gentleman and his lady a comfortable passage, which I

make no doubt, from the kindness I have experienced of Captain Wyvill, he will readily and kindly grant them.

I shall also communicate to Gert Rudolph the sentiments conveyed in the concluding part of your letter of the 29h September last.

In now proceeding to answer your letter of the 6th of October last, I have to express my thanks to His Excellency for having entered in some measure into the views fully set forth by me in my report accompanying the address of the Volksraad as to the future institutions of this colony. I feel assured that I shall now be enabled to classify the various claims to lands in such a manner as to ensure perspicuity, to enable His Excellency at once to look into the real merits of each case, and thus to recommend such as may be deemed worthy of a favourable consideration. Several persons have already filed their claims, to whom I have imparted the precise tenor of His Excellency's decision in respect to those claims which are doubtful, and I anticipate no further difficulty or delay \* \* \* \* than those which are inseparable from the very great distances at which persons are scattered from each other throughout this colony, and the dangerous state of the roads and rivers, rendering as yet any communication between them extremely precarious.

I shall now also do myself the honour to answer your letter of the 11th ultimo received yesterday, from which I am happy to perceive that His Excellency has been pleased to impart to me the substance of some reports in circulation in Cape Town as to my intentions and declarations respecting the native tribes. I feel satisfied that my sentiments on that subject are so well known to His Excellency, and so entirely in unison with the principles of Her Majesty's Government, that I shall not take up your time in assuring His Excellency that, next to the pacification of this colony, a satisfactory settlement of the claims of the natives, as well as of the emigrants, to land has been the subject of my most anxious thoughts and enquiries. I have been unceasing in my endeavours to impress upon the natives (whom I have visited in their kraals) that they were not to allow themselves to be disturbed, without reporting the circumstance to Major Smith or to myself; and to the emigrant farmers I have constantly urged the propriety of not even agitating this question, much less of attempting to disturb any natives; and I am happy to say that no complaint has been reported to me by any natives: and that the first instance of my even hearing of some complaint occurred but a few days ago, with regard to some natives who had their gardens injured by Stephannus Maritz's cattle near the



Umganie, and I shall thus avail myself of that circumstance to give His Excellency's directions on this head every publicity. I have the honour to annex hereto copies of a letter received by me from the Secretary of the Volksraad on the very day I left Pietermaritzburg, on my journey to the Zulu country (together with the annexures). \* \* \* \* I also herewith send copy \* \* \* \* of my reply thereto, which will sufficiently show His Excellency the caution with which I have ever touched upon that subject. The truth is that there does not at present exist any point of enquiry connected with the future satisfactory settlement of this colony involved in more perplexing difficulties; and having now, as I think, obtained sufficient data to warrant me in coming to some decided opinion, I shall take the liberty of soon addressing you a special report on that particular subject, to be submitted to His Excellency and to Her Majesty's Government.—I have the honour, &c.,

(Signed) H. CLOETE, H.M. Commissioner.

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MAJOR SMITH TO THE HON. J. MONTAGU.

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Port Natal, 5th November, 1843.

SIR,—I have the honour to acquaint you, for the information of His Excellency the Governor, and with reference to the communication opened with the Boers by the supercargo of the "Brazilia," that the Rev. Mr. Lindley returned from Weenen on the 29th of October, at which place he saw the letters they had received. Those from Smellekamp stated that the farmers need not expect any aid from Holland: that he was desirous of opening a trade with them, and wished a commission to be sent to Delagoa Bay for that purpose, which he would accompany to the interior, and finally that he intended remaining four months at that port. His letters were dated 1st August. The other communications were from certain parties in Holland respecting Mr. Ham, and were addressed to the Kerkraad. In these it was admitted that he had no authority from any ecclesiastical body to exercise clerical functions, not having passed his ordination; but it was hinted that the Volksraad might possibly see fit to give their sanction to his acting in that capacity.

The receipt of these communications has damped the spirits of the farmers much; and Mr. Lindley thinks that those on this side of the Drakensberg will not send the wagons requested by Smellekamp, now that they find that he gives no hope of the aid they expected.

Neither do they like the idea of receiving an unordained priest, though perhaps those on the other side of the Drakensberg may be less scrupulous. In the meantime the temporary excitement seems to have subsided; and I think this unexpected communication with Smellekamp likely to effect but little harm.

With respect to the commission sent towards Sofala, I learn that, having fallen in with a number of elephants, and been very successful, they had returned with the ivory, and for the present postponed their journey. Another commission was talked of.

As a proof of the disappointment experienced by the farmers at Smellekamp's communication, I may mention that when the messengers arrived a subscription was opened for the purpose of purchasing cattle for them, but immediately abandoned when that message was read, declaring they need not hope for aid from Holland.

With the letters that came by the "Louise" was one for Mr. Ham, which I take the liberty of enclosing, not knowing whether His Excellency would permit its being forwarded to that individual.

I have the honour, &c.,

(Signed) J. C. SMITH, Major, 27th Regt.

Commandant of Natal.

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#### HER MAJESTY'S COMMISSIONER IN NATAL

(MR. H. CLOETE) TO THE HON. J. MONTAGU, SECRETARY TO GOVERNMENT.

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Pietermaritzburg, 10th November, 1843.

SIR,—I had the honour on the 3rd instant to transmit to you, for the information of His Excellency the Governor, copies of a letter received by me from the Secretary of the Volksraad (accompanying a resolution taken by the Volksraad at their meeting of the 4th and 5th of September last, on the subject of various complaints which had come before them touching depredations of cattle by Kafirs), and of my reply thereto. Perceiving from the tenor of your letter of the 11th of October last that various unfounded reports are already in circulation on this matter, I shall no longer defer now formally to lay that subject before His Excellency, by annexing hereto a copy of the same resolution, and offering such remarks thereon as its importance appears to command. Soon after my arrival in this colony I found that, next to the pacification of the country, there was nothing that would require a more attentive,

cautious, and impartial enquiry on my part than the claims of any natives to lands, and generally than their interests as connected with the present settlement of the colony. It was certain that they would not think of preparing any specific claims to lands, but content themselves with the occupations they held. My duty appeared thus clear, namely, not to allow them to be disturbed in the occupation of any lands until Her Majesty had been pleased finally to decide upon the titles of any specific claimants; and this duty became the more self-evident from the impossibility of defining what part of the country constituted Crown lands or not; and I have, therefore, uniformly urged every person claiming lands (who frequently while preferring these claims complained of Kafirs being unlawfully upon their lands) that they should not in any way disturb them in their possession until Her Majesty had finally decided the tenure of land throughout the colony; and I am happy to add that, during the five months that my mission has already occupied, not a single complaint has reached me until within these few days, when I was casually informed that Stephanus Maritz, at the Umganie, had wilfully caused his cattle to trample down some of the Kafirs' gardens upon a farm claimed by him; and having just received your letter of the 11th of October last, it has afforded me the opportunity of explaining to him (and to the people generally) the views of Her Majesty's Government as fully set forth in that communication. Having thus endeavoured to keep everything connected with that subject undisturbed until I was enabled to submit my views with some confidence to His Excellency, and having obtained the further advantage of testing the opinions I had formed by what I witnessed in the Zulu country, I shall now proceed to offer such observations as the suggestions of the Volksraad appear to call for.

It is admitted by everyone whom I have consulted on the subject, and who appeared to possess the best sources of information, that on the arrival of the first emigrant farmers into this colony, it had been so fearfully devastated by the murderous forays of Chaka and Dingaan, that between two or three thousand natives, widely scattered in small parties in fastnesses near Port Natal, where they might evade or escape from the attacks of the Zulus, constituted the entire population of the country. This statement, received from a host of witnesses, is confirmed by the respectable authority of Captain Gardiner, who in his "Narrative of a Journey to the Zulu Country" computes their numbers at about two thousand and five hundred. These original inhabitants of the soil soon placed themselves and



their descendants under the protection of Europeans resident at the port; and in this manner Messrs. Ogle, King, Cane, Fynn, Toohey, Dunn, and various other British emigrants, became the chiefs of most of these natives, who still voluntarily acknowledge their state of vassalage to such of these Europeans as are still resident here; and they are settled down upon lands claimed or occupied by them. Independent of these parties, there were scarcely a few hundred Zulus in the whole Natal territory south of the Draaksberg. These were found by the first emigrants dying from want and starvation. I have endeavoured to procure every possible information as to the names, abodes, and members of the remnants of these several tribes, and I have succeeded in obtaining the annexed list, which (I believe) fully sets forth every particular which it may be important for the Government to know. Independent, however, of these parties, who may be considered the descendants of the aboriginal natives of this country, a most alarming influx of Zulus has taken place, chiefly within the last three or four years, occasioned by the system of indiscriminate murder pursued by Dingaan and, till within a very few months ago, Panda himself. It is impossible to form a correct estimate of their numbers; but, from the best information I have been able to collect, they have been computed to amount at least to between eighty thousand and one hundred thousand; and the denuded state of the Zulu country along the coast line, exhibiting everywhere large tracts of country now entirely depopulated, and the yet recent traces of a dense population, would appear to confirm this statement. The murders of Van Rooyen and Oosthuysen in the month of July, 1842, the plunder of a large quantity of cattle by the Zulus, and the generally unsettled state of the country also, drove the emigrant farmers to concentrate themselves near this place, or to occupy in considerable numbers a few places lying open and easily defensible; and the consequence has been that these Zulus, as they met with no opposition anywhere, have settled themselves down upon every desirable plot of ground where cultivation was easy, and, allured by the particular security and encouragement they met with near Port Natal, every hill about the country immediately surrounding that place has become filled with numerous and extensive kraals, who have of late cultivated large tracts of land, and find a ready market for the sale of their produce; and I must further add that, with the exception of the plunder of cattle which they have committed in various places near this during the commotions from June to August last, the complaints have of late been exceedingly few: and if the

males could be gradually induced to exert themselves, not leaving the whole labour and drudgery of the field to women and children (as they invariably do at present), that a more useful, tractable, and inoffensive race could not be found anywhere than these Zulus.

Having premised these data and facts, I feel it my duty to report to His Excellency that I do not see sufficient grounds for recommending Her Majesty's Government to adopt the suggestions of the Volksraad as set forth in the accompanying resolutions. It is therein proposed to remove one part of the Kafirs (without distinction) to lands situate between the Umsingatee (or Buffels River), now declared the eastern boundary of the colony, and the Tugala, and the other to lands to the westward of the Umzimvoobo. My reasons for dissenting from the suggestion of the Volksraad are the following:—

First. It appears to me that the removal of so large a mass of population from various parts of this widely extended colony would be attended with almost insuperable difficulties. In numberless instances it could not be accomplished without compulsion; and by settling down at once forty or fifty thousand persons of all ages and both sexes upon a yet uncultivated soil, would entail (I fear) great miseries and hardships upon them in the first instance.

Second. The location of such vast numbers brought together would require very extensive tracts of country, to provide not only for themselves, but prospectively to secure a competency to the rising generation. These tracts of country could not be given up between the Upper Tugala and the Umsingatee without dispossessing several emigrant farmers who are already in the occupation of some valuable farms in that district; while it is notorious that the further (or right) bank of the Umzimvoobo forms part of Faku's territory, and that he actually resides on this (or the left) bank of that river. Their removal thither could not, therefore, be accomplished without an encroachment upon Faku's territory.

Third. The Volksraad seem to betray some inconsistency in their very suggestions. They appear inclined to limit the number of Kafirs in the employ of each farmer to five males with their families; while I would humbly submit that if farmers continue to require this class of labour, there seems to be no just reason why the industrious and wealthy farmer, cultivating extensively, should be limited to only five male servants, and should not avail himself of the means of obtaining as much labour as the wants of his farms might require.

Fourth. But there is a much stronger reason than any of the

foregoing for refusing the application of the Volksraad. By huddling together so vast a population as forty or fifty thousand people on one location, it is evident that they will fall back to their natural and lawless habits; this would soon lead to their having chiefs or leaders of their own, whose influence over such numbers might become dangerous to the colony, while the difficulties of the missionary or the Government to improve their habits and customs will be increased tenfold. Their moral improvement and civilization will be retarded by a century, and the rapid increase of population, which under such favourable locations would soon take place, will only render every subsequent interference of the Government dangerous, and the labours of the missionary extremely precarious and uncertain.

Having now submitted my objections to the plan proposed by the Volksraad, I shall do myself the honour to submit for His Excellency's consideration a project which appears to me to obviate all the foregoing difficulties, to secure a happy residence and the means of competency to the Kafirs generally, and which will still meet to a great degree the fears of the emigrant farmers, and of a constant clashing of their interests, which cannot fail to take place soon, and will therefore require the immediate attention of the Government to prevent the most disastrous consequences.

To come to a correct view of the claims of the Zulus, it appears to me just that a distinction should be made between those who were originally found in the country, who continued to occupy lands as their own, and have thus a claim to those lands, and such other Kafirs who are but late deserters from the Zulu country, and have fled into this colony within the last two or three years, having taken away much cattle from the Zulu country, and who are now settled down on any spot which they happened to have found unoccupied, notwithstanding every effort made by the emigrant farmers to prevent or check this influx.

With regard to the first, their right is incontestible to the land occupied by them and their forefathers. I would, therefore, propose that those kraals should be correctly inspected and examined \* \* (it is impossible for me, with my other duties, to devote any time to so minute an enquiry), and that according to the number of kraals occupied by these aboriginal inhabitants (according to the annexed list, or if this list be found inaccurate, then according to more correct data), certain tracts of land should be inalienably vested in the chiefs of such kraals, or their descendants, in trust for the use and behoof of all the inhabitants of such kraals as tenants in common.



In regard to the far larger number of intruders in this colony, it is equally just, so long as they cannot be refused admission into this country without endangering their lives, that Her Majesty's Government should have and exercise the undoubted right of locating them in such manner as may be consistent with the general interests of the country. To carry out this principle, I would take the liberty of suggesting that the future Government here should establish in several districts in this colony six or more locations, keeping them, if possible, a little way removed from the contaminating influence of the chief town and the port. Dr. Adams, of the American Board of Commission for Foreign Missions, has for some years past superintended one institution, situated at the Umlaasie, which (I am informed) has no less than ten or twelve thousand inhabitants. From the very efficient manner in which this institution has been kept, and from the zeal and ability displayed by Dr. Adams in superintending so vast an establishment, I would take the liberty strongly to recommend, not only that this establishment should be kept up, but that every encouragement should be given to Dr. Adams to continue his zealous labours. Two other locations along the coast might be established: one near the Umzimvoobo, and a third on the banks of the Tongaat or the Umvoti Rivers. The Rev. Mr. Grout, an American missionary, driven by the murderous atrocities of Panda out of the Zulu territory, has taken a temporary residence on the right bank of the Umganie, and has endeavoured (though as yet with little success) to imprint some religious notions and moral principles on the numerous Kafirs occupying the country around. The vicinity of that establishment to Port Natal will ever render the moral improvement of these ignorant and lawless beings more than doubtful; and I would, therefore, recommend the removal of that station to the Tongaat or Umvooti, ten or twelve miles more to the eastward, as I feel weighty reasons for submitting for the consideration of His Excellency that these stations should not be fixed on the very borders of the Zulu country.

There are two vices, I fear, too deeply rooted in the disposition of the Zulu to be easily eradicated--the first is the plunder of cattle, and the next abduction of women. During my rapid progress through the Zulu country, I witnessed numerous instances of the latter, and a fearful exhibition of the former propensity; and unless the facilities of constant inroads are checked, it will be impossible to expect that frontier to be for any time in a state of security; while it is self-evident that the aggressions will ever originate with the Zulu

refugees now in this country; for, having left their numerous connections behind, smarting under injuries recently inflicted upon them, they are but too prone to give vent to feelings of revenge and hostility; and for this reason it appears to me highly inexpedient that they should be located near the eastern boundary line.

Independent of the three before-mentioned stations at the Umlaasie, the Umzimvoobo, and the Tongaat or Umvoti, a fourth might be fixed at the upper sources of Umkomas, a fifth at the Great Bushman's or Mooi River, and a sixth at the upper end of the Great Tugala.

The adult males belonging to each station might be distinguished by a plate or medal (of which they are very proud), with the number of the station to which they belong, and entire liberty might then be allowed them to enter into contracts of service with neighbouring farmers, subject to the approval of the superintendent of each station; and I would further suggest that at every station a person of known humanity and active habits should be appointed by Government as the superintendent thereof, whose duty it would be to report monthly all his proceedings to the Government.

Having devoted much attention to this subject, and made every enquiry from the most respectable authorities to guide me in my opinion, I feel a perfect conviction that the system now recommended will lay the sure foundation of a gradual improvement in the habits and morals of this benighted people; that it will insure the best protection of their interests; that an effectual check will be created to prevent the occurrence of an outbreak or rising among them, which might endanger the tranquillity of the country; and that slowly but surely their races will become so amalgamated with the present European population as to derive every possible advantage from that intercourse, without (it is hoped) falling a prey to the vices and habits which an unlimited intercourse with the Europeans is but too apt otherwise to engender.—I have the honour, &c.,

(Signed) H. CLOETE, H.M. Commissioner.

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MAJOR SMITH, NATAL, TO THE HON. J. MONTAGU,  
SECRETARY TO GOVERNMENT, CAPE TOWN.

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Pietermaritzburg, 14th November, 1843.

SIR,—I have the honour to enclose, for the consideration of His Excellency the Governor, copies of certain letters which have passed between Her Majesty's Commissioner and myself on the subject of a

claim made by the Zulu chief Panda, and which upon a mature consideration of the question I have not thought it right to accede to. As these letters, however, only partially detail my reasons for coming to the decision referred to, I think it advisable to enter more at large into the subject, as I write with a view to being informed by His Excellency whether I shall adhere to the course I have hitherto pursued, or to adopt that suggested by Her Majesty's Commissioner.

Having said this much by way of preface, I will now proceed to a more particular statement.

It will be in the recollection of His Excellency that I addressed him two letters on the subject of Panda's massacre of his brother Cucu, bearing date the 26th of June and 10th of July. From the period when I first heard of this atrocious act, until I came to the decision which I communicated to his messengers on the 5th August, I was incessant in my enquiries, in order that the course I adopted might not be a hasty one; but instead of finding anything to palliate the murder, I ascertained that it had been followed by others so monstrous and revolting as to be scarcely credible—Cucu's wives having been literally ripped open, and his children dashed to pieces—the chief being determined that none of his brother's progeny should survive. Neither could his messengers, who came to excuse the act, do more than state that Panda had heard from one Tengwane, who resided near Natal, that Cucu was conspiring against him, and it was therefore no unreasonable conclusion to suppose that this miscreant had merely pandered to the chief's own wishes, whom he knew to be jealous of his brother's popularity with the Zulus.

Taking these circumstances into consideration, as well as the fact that Panda's previous atrocities had, since my arrival at Natal, compelled the American missionary, Mr. Grout, to quit his territories, I thought it right to mark my sense of the conduct he had pursued, in order to show him that the Government of the white man held in the utmost abhorrence the acts which he had committed. I therefore sent through his councillors the message which I have detailed in my reply to Mr. Cloete (2), and from the period when they received it, until the question was revived by that gentleman three months later, they never attempted to agitate the matter, being fully convinced that such a proceeding would be useless.

Thus much for the steps which I have taken. But some further observations are necessary in order to place the subject clearly before His Excellency. In my letter to Her Majesty's Commissioner of the 12th instant (4), I have stated that Panda claims the cattle in ques-



tion, not because they are his personal property, but on the Kafir principle that the cattle of the people are the property of the chiefs, and that those who leave him sacrifice by that act the whole of their possessions. To compel the fugitives to return, even were it practicable, would be to send them to certain destruction; to admit the Kafir principle alluded to; and strip them of their cattle, would be to leave them to starve or to become marauders for subsistence. But what necessity is there for adopting either alternative? For even Mr. Cloete repudiates the first; and, although he strenuously advocates the second, it does not appear to me that he is sufficiently acquainted with the subject to judge correctly. Neither Caffeyan nor any of the other native chiefs around Natal are in the habit of committing depredations in Panda's territory, nor has a single complaint to that effect been made to me since my residence in his country. Those whom his atrocities compel to quit endeavour to bring their cattle with them, and sometimes succeed, but by no means always, for several who fled when Mr. Grout abandoned his mission applied to me for the recovery of these, when I declined interfering, being unwilling to encourage their migration. Those, therefore, that he states to be in possession of Caffeyan and others have not been plundered by them, but are the cattle of the fugitives which he claims on the Kafir law above mentioned. And unless it is thought fit to compel Mawa and her followers to return, I do not think the chief deserving of such consideration from the British authorities as to require they should assist in the observance of a barbarous law for the support of one from whose atrocities they shrink back with horror. That "sound policy," "international justice," and "Christian obligation" demand it, I cannot by any possibility conceive; for, although Mr. Cloete assumes it as a fact that the Kafirs around Natal have been the depredators, I am satisfied from my intimate knowledge of the subject that such is not the case. Being accompanied in his visit to Panda by such persons as Messrs. Toohey and Ogle, Mr. Cloete was not likely to obtain a correct version of what had taken place, inasmuch as they are in the habit of making frequent journeys to that chief for the purpose of bartering for ivory, and are therefore naturally desirous that no estrangement should take place between him and the British authorities to mar their profit. Gert Rudolph, also, who went there at the same time, has cogent reasons for not wishing to break with Panda, for the farmers are anxious to obtain some additional territory near the sources of the Tugala, which, although the chief demurred at

first, he did not absolutely refuse, and therefore it was likely the required concession would soften him into compliance. These persons, I doubt not (the two first, and I believe the latter, well acquainted with the language of the natives), would be inclined, in their interpretation of the atrocities which had been committed, to give them as little prominence as possible. Speaking of other men, this might be deemed a harsh opinion; but the characters of at least two of the individuals I have mentioned are such as to fully warrant such an assumption.

But to show that interested feelings sometimes operate on such occasions, I may mention that Mr. Dunn (another trafficker in ivory) was with Panda at the time or immediately after Cucu was murdered, and wrote me, as he said, by desire of that chief, to complain of Mawa's leaving him, and requesting that I would compel her to return with her cattle; and yet, strange to say, he never hinted at what had taken place, or made the slightest allusion to the massacre which had led to this dispersion of the people, although it must have happened almost under his own eyes, so that he could not by any possibility, when he presumed to omit that fact, have been ignorant of its occurrence.

As to "the decisive and peremptory manner" in which I declared to Panda's messengers that I could not think of altering my determination: I am of opinion that in dealing with the natives such a course should always be adopted. Let the matter in question be well considered, but when it is necessary to give a decision, let it be such as to prevent future reference. Vacillation is at all times the source of mischief, and more particularly so in matters where the natives are concerned; and I confess, therefore, I thought the agitation of the question in this instance was far from a judicious proceeding, since the refusal of Panda's demand would naturally displease that chief, or, if complied with, would prove to them not only that the white man's decision could be altered at pleasure, but that there were two authorities at Natal, one of which had denied what the other had acceded to.

But what has this chief done, I would ask, for us or for humanity that supporting him in his equivocal rights should be so much insisted on? Mr. Grout, as I before stated, was compelled through fear to leave the Zulu country, and abandon the mission he had formed. In April last, Dr. Adams (as I informed His Excellency in a letter dated the 30th of that month) proposed a visit to Panda with a view to the re-establishment of the mission; and, feeling the

value of the object, I authorised that gentleman to use my name and influence, and to state to Panda that it was the desire of the English Government that such should be the case. But the chief was inexorable, and would not hear of Mr. Grout's return, and therefore the idea of sending him back was necessarily abandoned. Are we, therefore, to act as his police force, and at the risk of setting the whole territory of Natal in commotion, employ both the troops and the natives in taking cattle from those whom his cruelties have compelled to leave the country? Are we to do all this for one who will not concede the slightest point in return? Does "sound policy" require it? Are we afraid of irritation on the part of that powerful neighbour? If so, I fear I have already done mischief; for when his councillors threatened he would come over the Tugela if his demands were not acceded to, I told them that he had better not do so, "for that in his own country he was a great chief, but if he crossed that river he would be nothing;" and he will not dare to do so, but may possibly resort to petty aggressions, which I shall be prepared to meet.

But what has "international justice" and "Christian obligation" to do with this? Surely, neither the one nor the other are forgotten in a refusal to accede to demands that would compromise both; for the advantage to be derived by the natives from the proximity of a white population is (or ought to be) a more enlightened view of all the laws which should govern man in his dealings with man, both as respects the governing power and those governed: and this, undoubtedly, is not to be obtained by supporting their barbarian institutions, for the very support we give them is a tacit admission of their correctness.

I have, however, to apologise for drawing out this letter to so great a length; but I feared that without explanation His Excellency might possibly conceive that I had encouraged the native chiefs about Natal "to carry on" a "system of plunder in the Zulu country," whereas I have used the utmost exertions to repress all plunder on their parts whatsoever. "The dignity of Her Majesty's Government," I am proud to say, has not been lost sight of by me; neither have I left it under "the suspicion of conniving at or tolerating" any system whatsoever that was not consistent with its honour. These, however, are possibly irrelevant remarks; and I would beg to conclude by requesting you to lay this letter and the enclosed correspondence before His Excellency, with a view to his instructions being communicated to me on the point in question.



Whatever they may be, I shall be prepared cheerfully to carry them out, having in this as in other matters acted according to the best of my judgment, and in furtherance of what I conceived to be the public good.—I have the honour, &c.,

(Signed) J. C. SMITH, Brevet-Major, 27th Regt.,  
Commandant of Natal.

# DESPATCH FROM LORD STANLEY TO SIR G. NAPIER.

Downing-street, 16th November, 1843.

Major-General Sir G. NAPIER, K.C.B., &c.

SIR,—I have to acknowledge the receipt of your despatch No. 105, of 22nd June, in which you report the arrival of the Dutch schooner "Brazilia," and I have in reply to convey to you my approval of the measures adopted on the occasion by Major Smith, the Commandant at that post.—I have the honour, &c.,

(Signed) STANLEY.

# DESPATCH FROM LORD STANLEY TO SIR G. NAPIER.

Downing-street, 22nd November, 1843.

Major-General Sir G. NAPIER, K.C.B., &c.

SIR,—With reference to my despatch of the 16th instant, I transmit to you herewith copies of a correspondence which has passed between the Earl of Aberdeen and Her Majesty's Minister at the Hague, on the subject of the re-appearance of the "Brazilia" at Port Natal, for the purpose of renewing an intercourse with the revolted inhabitants of that district; from which you will perceive that the Netherlands Government has promised to use its utmost endeavours to prevent the recurrence of any similar attempt.—I have, &c.,

(Signed) STANLEY.

ENCLOSURE IN LETTER FROM FOREIGN OFFICE TO LORD STANLEY,  
11TH NOVEMBER, 1843.

[Translation.]

"The Hague, 6th November, 1843.

"The undersigned has not failed to place before the eyes of the King, his august master, the Note that Sir E. Disbrowe has been so good as to address to him, of date 27th October last, on the subject of the re-appearance of the schooner "Brazilia," Captain Reus, at

Port Natal. His Majesty has not been able to learn without regret that the persons named, Smellekamp and Ham, have not discontinued their hostile conduct towards the British Government, to which that of the Netherlands has not, from the outset, ceased to afford unequivocal proof how much it disapproves the proceedings of these individuals, which proof, confirmed more recently by the communication from the Department of Foreign Affairs of 30th March last, relative to the new departure of the schooner "Brazilia," sufficiently demonstrates that the Government of the Netherlands is sincerely disposed to co-operate in everything that may set a limit to the culpable intrigues in question. In conformity with the King's intentions, the undersigned has the honour to bring to the notice of Sir E. Disbrowe that the said Note has been communicated to the competent authorities, and that they have at the same time been urgently advised to have a regard to all the means fitted to prevent the renewal of these blameable actions on the part of some of the subjects of the Netherlands.

"The undersigned, &c.,

"(Signed) DE LA SARRAZ."

#### HER MAJESTY'S COMMISSIONER IN NATAL

(MR. H. CLOETE) TO THE HON. J. MONTAGU, SECRETARY TO GOVERNMENT.

Pietermaritzburg, 30th November, 1843.

SIR,—In laying before you, for the information of His Excellency the Governor, this my first report on the subject of lands claimed within this colony (which will embrace all claims made to building allotments at Port Natal and the neighbouring hamlet named Congella), I feel that it will be necessary to premise a brief statement of the general claims made to the whole (or greater part) of the territory of Natal, which would ride over all the present claimants to lands, as also to offer a few remarks on the tenures which have been introduced by the Volksraad, as these tenures, once sanctioned by Her Majesty's Government, will soon become so interwoven in every subsequent law or regulation connected with the institutions of the country, as to prevent their being hereafter either changed or modified.

The only individual on whose behalf a general claim to land (embracing the whole or greater part of the territory of Natal) has

been raised is Mr. E. G. Aspeling, residing in Cape Town, who is married to the widow of the late Mr. F. G. Farewell. It is well known that this individual was the first person who (jointly with the late Lient. King) explored and endeavoured to form a settlement at Port Natal in the year 1824. On the 8th August, 1824, he obtained a grant of the port or harbour of Natal, together with the island therein, and of the surrounding country extending about twenty-five miles along the sea coast and about one hundred miles inland, from the late Chaka, King of the Zulus.

This grant was, however, neither recognised by the Government nor was the country virtually occupied by Mr. Farewell, or by persons deriving their titles from him; but every British adventurer, who from time to time was attracted by the spirit of enterprise and the capabilities of the soil, or for the purpose of trade, settled himself down wherever he listed, and Mr. Farewell does not appear to have ever contemplated any system of immigration to occupy any part of the country till the year 1830, when he was treacherously murdered.

With regard to the validity and effect of such grants, it may be right to observe that the Port of Natal, together with the same large tract of ill-defined country around it (being nearly the same extent as that first ceded to Farewell), appears to have been subsequently granted in February, 1828, by the same King Chaka to Lieut. King, the early companion of Farewell (who also met with an untimely death at Port Natal), and again to Nathaniel Izaaks; and that after the murder of Chaka, his murderer and successor, Dingaan, successively gave the same territory to J. Collis in 1832; to Captain Allen Gardiner in 1835; and, lastly, on the 4th of February, 1838, to the late Pieter Retief, for himself and the emigrant farmers.

The only other claim which has been made of a public nature is one that has been preferred by Mr. D. C. Toohey on behalf of Captain Gardiner, to whom a farm named Berea is said to have been granted in trust for the Church Missionary Society.

On referring to Captain Gardiner's own narrative, it appears that on the hill still named Berea, about three miles from Port Natal, he established a missionary station, and there first commenced to instruct the heathen, and the remains of the temporary buildings erected by him are still extant. But as Captain Gardiner has for more than six years not only quitted the country, and as the Church Missionary Society has altogether abandoned this station, there appears to me to be no just grounds why this tract of country should



continue to lie reserved for a society which does not appear at present to fulfil the object for which the grant was contemplated. The station appears, moreover, ill suited for such a purpose in every way ; and as I cannot but report that this claim is directly inconsistent with the principle of occupation laid down in Lord Stanley's despatch, I would take the liberty to report that this tract of country should remain entirely at the disposal of the Government, who, I make no doubt, whenever this or any similar society will direct its attention to this wide and inviting field for civilization, will ever be willing to consider such applications, and make such suitable grants of land as will then appear to be most consistent with the ends such societies may have in view, and as may then best suit the general interests of the country. As none of these grants have received even the indirect sanction of Her Majesty's Government, and as none of the grantees have even confirmed such grants on their part by occupation, it is clear that, however favourably Her Majesty's Government may hereafter consider the efforts made by one party or the other towards the civilization of the Zulu race, or the losses they have sustained by having been the first pioneers in the colonization of this country, by making to some one or other of them a grant of land as an act of special favour and grace, yet, now to acknowledge the validity of any of these grants would be to subvert the entire system laid down by the Government towards the settlement of this otherwise insolvable question. Lord Stanley has, therefore, justly (as appears to me) made the *bona fide* occupation the touchstone of every enquiry ; and the grant to the late Retief and the emigrant farmers has thus been looked at by me only collaterally, as showing the *bona fides* with which the grants were made and received by the emigrant farmers ; and all others received their titles through the Volksraad, which had been acknowledged by all the inhabitants as exercising the functions of government, and as empowered to make such grants.

It will be necessary in the next place to observe, in a few words, for the reasons above stated, upon the tenures introduced by the Volksraad.

When the emigrants, towards the end of the year 1838, somewhat recovered from the panic which had spread amongst them by the treacherous murder of their commandant, Pieter Retief, and sixty-four heads of families, followed up by the massacre of more than two hundred other men, women, and children (who were cut up in various straggling parties), they determined to establish a Volksraad (or Council of the People), which was to exercise the supreme

government, and more especially would have the power of conferring grants of land.

After many discussions on the subject of the tenure under which lands were to be occupied, the Volksraad enacted, with the concurrence (and indeed under the pressure) of the majority of the emigrants, that there should be one universal tenure, a freehold, under which all lands should be held throughout the country.

This law was enacted on the 14th April, 1841, and is entitled "A Law regulating the Right of Burghership and the Possession of Lands in Freehold within the Republic of Natal." By the sixth section of this law it is enacted "that every burgher (male or female) shall be bound to pay annually the sum of twelve rixdollars, or eighteen shillings, for the protection he or she receives in regard to their lands." This sum was, however, not to be paid on small lots, but only with regard to the owners of lands to the extent of one thousand morgen (or two thousand acres), up to three thousand morgen (or six thousand acres). The Volksraad reserved to itself the right of assessing even less "than this sum in regard to places below a thousand morgen; but the proprietors of lands exceeding three thousand morgen were to pay an additional sum; and those holding lands exceeding in extent four thousand morgen were to be liable as owners of two farms." This, it will be seen, is but another name for a perpetual quitrent,—the name of which they appear to have been anxious to avoid, in consequence of the unpopularity of this land tax throughout the Eastern Provinces. All the grants, therefore, made or title deeds issued by the Volksraad recite that the lands are given "in full and free property," but remain subject to all the provisions of the before-mentioned general law regulating the "right of burghership." It will, therefore, be now for Her Majesty's Government to consider the expediency of adopting the tenure thus introduced, or to modify it in such manner as may appear most consistent with the general interests of the country; on this point I shall, however, take leave to remark that the present tenures of land as now generally observed within the colony of the Cape of Good Hope appeared to be so well adapted to the interests of the inhabitants here, as well as to ensure a future revenue of the country, that I cannot but represent the expediency of establishing the like tenures here. Building or town lots, which soon become divided and subdivided into the smallest fractional parts, seem little suited to bear the imposition of a regular quitrent. The difficulties become endless in apportioning the different sums to each subdivision,

while the liability which every part still remains under towards the Crown or Fise, in regard to any arrears, when legally enforced, strongly recommends that in regard to such lots the freehold tenure should prevail; the grantees only being subject to a small or reasonable fine on receiving their grants. With regard, however, to the large tracts of country to be given out as farms, the imposition of a moderate quitrent seems far more reasonable, as few individuals could bear to pay at once, as a fine to the Crown, the sum which a grant in freehold to such extent as these farms generally occupy would warrant and require; while the payment of an annual moderate quitrent, payable at the seasons when the farmers generally get in their crops or realise their produce, is little felt, and constitutes a certain annual revenue upon which the Government can safely calculate in estimating its expenditure. And this is virtually the tenure now here established; for the annual payment of every burgher, in consideration of his holding farms, is actually a quitrent payable in proportion to the extent of land owned; and the only reason why the name of "quitrent" was studiously avoided appears clearly to have been not to revive the recollection of one of the many grievances which the emigrants brought with them to this colony; as both the expenses of the surveyors and, in many instances, the partial or heavy imposition of this tax was felt as a most onerous and oppressive tax.

As I shall, however, have occasion in my subsequent reports to enter more at large upon this subject, I shall content myself with observing that the present report only refers to such small building lots as I would beg to recommend to grant in freehold to such individuals as may be found entitled thereto, subject to the payment of the sums which the parties originally agreed to give for these respective lots; and in regard to such other grantees as may have paid the former purchase price, that a small sum may be fixed as a fine payable to the Crown upon the parties receiving their grants and title deeds.

The Volksraad having fixed upon this place (Pietermaritzburg) as the chief seat of their government in the early part of 1839, and having here sold or given out a number of building lots, had their attention first attracted to Port Natal in December of that year, when, upon the detachment of the 72nd Regiment being withdrawn from that their only sea-port, they became fully impressed that the British Government had abandoned all further interference in regard to their political existence or institutions. They accordingly appointed Mr. G. C. Cato, a British resident at Port Natal, to lay out the plan



of a town along the north-eastern beach of the beautiful estuary forming the Port Natal, and which was then already partially occupied by a few British settlers, who had built a few cottages along the beach, and had given their infant town the name of "Durban." The Volksraad directed all lots of ground to have a frontage of one hundred feet, running back to the beach, and averaging from five to seven hundred feet in depth up to high-water mark. Those British settlers who were in occupation of some of these lots were allowed to remain undisturbed upon their engaging to pay for their respective lots an average price of what the remaining lots would sell for at a public sale. With this arrangement they appear to have been satisfied, and in June, 1840, the first public sale of these lots took place.

About twenty-one lots along the beach were then sold, and about one hundred smaller lots in several squares away from the beach. The former averaged about eighteen pounds fifteen shillings sterling, and the latter (which were uniformly one hundred and fifty feet long by one hundred broad) averaged three pounds fifteen shillings sterling. The payment of these building lots was made contingent on the delivery of the title deeds, and these not having been yet delivered to the parties up to this date, no payment was made by anyone (except by one Ernst Pretorius, for Lot No. 36), and the whole thus remains still a debt due to the public by those who have kept and retained possession of their respective lots.

In the month of October, 1841, a second sale took place of twenty-one building lots, commencing at Lot No. 124 to Lot 144, inclusive, which realised about the same average price as before. The title deeds of these also were neither delivered to the parties nor were the purchase prices paid by the latter; and at the outbreak of hostilities in May, 1842, very few individuals had constructed any habitations for themselves, but several were in the act of collecting materials and laying out various plans for their buildings, when they were prevented from continuing these constructions by a public notice issued by Major Smith on the 6th August, 1842; and when some of these were inclined to disregard such a notice, or actually applied for leave, it was peremptorily refused.

These various circumstances are more fully set forth and confirmed by the Annexures A, B, C, and D, which I thought right to attach to this report, as explanatory and confirmatory of the foregoing statement.

From such a state of things it was natural that upon my arrival this little town presented nothing but a few miserably-constructed wattle-and-daub erections, which the inhabitants had only kept

together as temporary shelters for themselves and their little properties, as they had great difficulty in even keeping these huts in repair. After a careful examination of these respective lots and the circumstances which had attended their occupation, I have considered it advisable, as the best means of presenting Her Majesty's Government with the state of every individual lot, to enter them in a volume, copy of which I beg herewith to transmit, and which is marked G (leaving the original to remain here as the record belonging to every lot), so that His Excellency will be able by an easy reference to find the number of lots certified as *bona fide* occupied in the terms of His Excellency's proclamation of the 12th May, 1843, and those respecting which I have been withheld from attesting with such a verification.

\* \* \* \* I have the honour, &c.,

(Signed) H. CLOETE, Jun.,  
Her Majesty's Commissioner.

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#### POSTSCRIPT.

1st December, 1843.

SIR,—Since writing the foregoing despatch, and while in the act of forwarding it, I was honoured with the receipt of your letter of the 30th October, accompanying copies of a correspondence had with Mr. H. Watson, relative to a claim made by J. R. Thomson & Co. to the territory of Natal, by virtue of a cession of that country by the late King "Chaka" to the late Lieutenant Farewell, and ceded to the said J. R. Thomson & Co. as a security for moneys advanced.

His Excellency will perceive that in the introductory part of my despatch I have fully entered into the subject of that and similar grants, so that (assuming the genuineness of the document in question, respecting which I need entertain no doubt,) I see nothing in the correspondence or in the documents transmitted to induce me to change one letter of the representation I have made to the Government on the character and validity of similar grants to private individuals without the sanction of Government.

I have the honour, &c.,

(Signed) H. CLOETE, Jun.,  
Her Majesty's Commissioner.

## DESPATCH FROM SIR GEORGE NAPIER

TO THE RIGHT HONOURABLE THE LORD STANLEY, SECRETARY OF STATE.

Government House, Cape of Good Hope,  
1st December, 1843.

MY LORD,—I have the honour to forward copies of the various letters and reports of Mr. Cloete, Her Majesty's Commissioner at Natal, and of Major Smith, the Commandant of that place, received since the date of my despatch No. 196, of the 6th October last, together with copies of the replies made to these communications, and of the minutes of the Executive Council, in which are embodied the opinions and suggestions of the Council upon the several topics embraced in that correspondence.

These minutes were unanimously agreed to, and will, I hope, meet the approbation and favourable recommendation of your Lordship for the adoption of Her Majesty's Government, as they appear to me to be founded upon the liberal views laid down for my guidance in your Lordship's despatch No. 186, of the 13th of December, 1842.

As the minutes of the Executive Council so fully enter upon the merits of the case, it would be superfluous for me to reiterate them in this despatch. I shall therefore content myself with assuring your Lordship that I have every reason to hope that the labours of Mr. Cloete will terminate successfully, and ensure that contentment in the new colony of Natal which, your Lordship informs me, it is the earnest wish of Her Majesty's Government to effect.

I also enclose a copy of a letter which I have despatched to the Governor of Delagoa Bay, with reference to the passengers of the "Brazilia," which vessel, it has been reported, put into that harbour. Whether this is the fact, I am still unable to state; but even if an attempt was made by these persons to effect an entry to the Natal district overland, I should imagine it would be unsuccessful, as the climate between the two settlements is often very fatal to Europeans.—I have the honour, &c.,

(Signed) GEORGE NAPIER.



## HER MAJESTY'S COMMISSIONER IN NATAL

(MR. H. CLOETE) TO THE HON. J. MONTAGU, SECRETARY TO GOVERNMENT.

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Pietermaritzburg, 6th December, 1843.

SIR,—I have the honour to acquaint you, for the information of His Excellency the Governor, that two fieldcornets of the districts of Riet River and Bushman's Spruit (Gilliam Johannes Oberholster and Lucas Van der Hever) arrived here yesterday and called upon me, as having been specially deputed by a large majority of the inhabitants of the two districts to which they belong, expressive of their willingness to submit to Her Majesty's authority, laws, and institutions, and praying to enjoy the same privileges, as to their lands and institutions, as were graciously vouchsafed and are now secured to the inhabitants of this territory under the provisions of His Excellency's proclamation of the 12th May last.

They presented me with their credentials, and with an address directed to me by two hundred and fifty-eight persons—all landholders of their districts—and they assure me of the entire readiness of the inhabitants thereof to receive me, and to enter into arrangements that will at once establish the supremacy of Her Majesty's authority throughout their districts, and entitle them to the enjoyment of the like privileges as are now enjoyed here by the inhabitants.

I do myself the honour to transmit copies of the whole of the documents delivered by them to me, as best showing the disposition evinced by the inhabitants and the manner in which this happy event has been accomplished.

From the tenor of these documents, His Excellency will at once perceive that this triumph of Her Majesty's authority is entirely attributable to the principles of humanity and justice showing conspicuously in Lord Stanley's admirable despatch of the 13th December, 1842: that it is the enunciation of those principles (which I fully illustrated to and impressed upon them) which is now commencing to work its powerful influence on the minds of those ignorant and hitherto misguided persons; and I confess that when, in my letter of the 8th day of August last, I expressed my opinion "that the influential and leading men would soon voluntarily come forward and solicit to enjoy the privileges granted to the inhabitants of this country," I little anticipated that this prediction would so soon have been accomplished.

These deputies informed me that on their journey they met

with some opposition from a party of Windburg farmers to their being allowed to pass; and that they only obtained liberty to do so by surrendering the papers of which they were known to be the bearers; but having shrewdly provided themselves with duplicates thereof, the latter were delivered intact, and copies are now hereunto annexed.

I have further been informed that the inhabitants of the districts of Windburg and Mooi River are still under considerable excitement occasioned by the communication which the adventurer Smellekamp has again contrived to open with them from Delagoa Bay; that a meeting had been held of a very tumultuous nature, in which the question of resistance to Her Majesty's authority, or of moving still further to the northward, had been agitated; but that the meeting had broken up with a considerable division, in great clamour, and without coming to any determinate resolution. I am, however, well aware that even there a very respectable class of inhabitants are anxiously awaiting the moment when they may follow the example now set by the inhabitants of Riet River, who have already dismissed Mocke from his appointment as commandant, and appointed Michael Oberholster in his stead.

In congratulating His Excellency on the progress which Her Majesty's authority is thus silently but irresistibly making among the inhabitants of these widely-extended regions, I beg to add that nothing appears to me more certain than that this happy influence will be more and more extended as the sentiments of Her Majesty's Government become more generally known and appreciated to their just value.

I regret to state that, from the same cause I have before adverted to, the district of Weenen has also been under some excitement, which has prevented the mission thither of the Rev. Mr. Faure; but through the influence of the Landdrost Danhauser, and the principal inhabitants of that district—Joachim Prinslo, Spies, and Du Plessis—this has already much subsided, and the moment the date is passed which I have fixed for receiving the claims to lands, I shall proceed to that district for the purpose of inspecting the farms which have been registered in that neighbourhood, and thus verifying the claims made; and shall then avail myself of the opportunity to bring about (I trust) a better spirit, and a proper deference to the laws and to Her Majesty's authority.

I am informed that from the difficulty of crossing many of the rivers, which during this season are often days and weeks impassable,

I shall be unable to accomplish this inspection so soon as I could have wished; but I shall exert my utmost to be here again by the end of January next, by which time I hope I shall be honoured with His Excellency's sentiments as to the expediency—nay, the necessity—of at once seizing the opportunity now afforded by this voluntary movement of one section of the inhabitants beyond the Draaksberg; and should it please His Excellency to instruct me to proceed thither, it will afford me the opportunity (in returning to the colony) to lay the foundation of an entire submission to Her Majesty's authority throughout the whole range of those extensive districts, and thus to carry into full effect the great principle of Her Majesty's Government, and prove to the world that humanity and benevolence are more likely to bring back a mass of misguided and rebellious subjects to a sense of their allegiance than possibly could be effected by an appeal to arms.

I take leave to add to the documents hereunto annexed copy of the answer which I intend to return to the address. I am fully aware of the \* \* \* difficulties which, both theoretically and practically, are connected with the peculiar situation and history of the inhabitants of those districts; but these difficulties are of a nature which only increase in each succeeding year: they must be grappled with, as they had well-nigh last year already inflicted upon the Eastern Province of the Cape Colony the horrors of a civil war; but which, I now trust, will be no longer dreaded, and will soon make way for a state of universal peace and tranquillity.—I have the honour, &c.,

(Signed) H. CLOETE, Jun., H.M. Commissioner.

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#### HER MAJESTY'S COMMISSIONER IN NATAL

(MR. H. CLOETE) TO THE HON. J. MONTAGU, SECRETARY TO GOVERNMENT.

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Pietermaritzburg, 11th December, 1843.

SIR,—On my return from the Zulu territory, I was surprised by the information that the adventurer Smellekamp, baffled in his efforts to communicate with the emigrant farmers at Port Natal, had at length, towards the end of the month of July last, landed his passengers (the clergyman Ham, with his wife, and a schoolmaster) at Delagoa Bay, and that they had sent some messengers, who had reached Windburg (to the northward of the Draaksberg), from



whence some letters addressed by Smellekamp and the clergyman had been transmitted to the Volksraad here; but on their way hither those of the Volksraad had been taken possession of by one Stephanus Johannes van Rensburg and sent back to Windburg, while those addressed to the elders and deacons of the Church here had been delivered to the Rev. Mr. Lindley.

I have consequently written a letter to Stephanus Johannes van Rensburg to ascertain whether this report be well founded (as far as he is concerned); and if so, requiring an explanation of so extraordinary a proceeding. To this I have as yet received no reply. I further wrote a letter to the clergyman and elders here, requesting to be favoured with copies of the correspondence received, for the information of the Governor. They have, in reply, expressed an unwillingness to divulge the names of the parties signing or mentioned in the correspondence. But, with this single omission, they have furnished me with copies, which I beg herewith to transmit for the information of His Excellency, from which it appears that a number of persons have formed themselves into a society in Holland for the religious wants of the inhabitants of Natal, but at the same time some of the members of the same society (and naturally not the least influential and active) have formed a society for the purpose of trade. And although the attempt made to foist their clergyman upon the congregation here has signally failed, still there is hardly a doubt but that the person now landed at Delagoa Bay will be joyfully received by a large party beyond the Draaksberg, and that this will again tend to keep up their resistance to British rule. Various reports are current here as to a strong party of emigrant farmers from the Windburg which was about to start for Delagoa Bay, to escort the clergyman and his wife (it is said that the schoolmaster died shortly after they reached Delagoa Bay), but there is no certainty as to their having actually started.—I have the honour, &c.,

(Signed) H. CLOETE, H.M. Commissioner.

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HER MAJESTY'S COMMISSIONER IN NATAL  
(MR. H. CLOETE) TO THE HON. J. MONTAGU, SECRETARY TO GOVERNMENT.

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Pietermaritzburg, 15th December, 1843.

SIR,—I have the honour to forward to you, for the information of His Excellency the Governor, the enclosed address presented to me by the Rev. Mr. Daniel Lindley, on behalf of a number of inhabitants

in and near Port Natal, praying for the appointment of a clergyman of the Dutch Reformed Church.

In submitting this request for His Excellency's consideration, it will be fitting to observe that, after the inhabitants had somewhat settled themselves down on this territory and the district immediately adjoining the Draaksberg to the northward, they resolved to establish five distinct congregations of the Dutch Reformed Church: one at this place, the second at Port Natal, \* \* the third at Weenen, the fourth at Windburg, and the fifth at the Mooi River or Potchefstroom. Elders and deacons were appointed to these congregations, but they only succeeded in obtaining the services of one regularly ordained clergyman (the Rev. Mr. Daniel Lindley, formerly a missionary belonging to the American Board of Foreign Missions), who resides and has officiated at this place during the last three years, and annually visits the different other congregations to administer the sacrament and devote a few weeks to their religious wants. No regular place of worship nor a residence for a clergyman has been fixed upon at Port Natal; and upon enquiry I find that the only suitable spot where a clergyman could find a dwelling or place of worship would be at a farm reserved by the Volksraad for a village or missionary station, called the "Paarde Plaat," about eighteen or twenty miles from Port Natal. The difficulty of procuring at present even a temporary dwelling at the Bay is so great that I greatly fear it would be almost impracticable to find a suitable residence there for a clergyman, or a proper place of worship. I would, therefore, beg to propose (if His Excellency should think proper to comply with the request for this appointment) that the clergyman should be authorised to establish himself (for the present) at the Paarde Plaat, where there are buildings both suited for a residence and the performance of divine service, and in the vicinity whereof many respectable farmers are residing, who would among themselves form an attendance more numerous than a clergyman would be likely to expect at Port Natal.

With regard to the salary which a minister will also naturally expect to have provided, I should inform His Excellency that the Rev Mr. Lindley is here engaged at one hundred pounds sterling per annum, payable by the congregation; that this payment is, however, very irregularly made, and nearly a year's salary is at present due to him. The applicants in this request, therefore, appear to have repudiated the voluntary system suggested by the Volksraad in their memorial of the 5th of September last, and pray that the pay-

ment of a salary should provisionally be made out of the revenue of the colony, and I cannot but think that this will be the only way of ensuring to the incumbent whatever salary His Excellency may consider that he will be entitled to.—I have the honour, &c.,

(Signed) H. CLOETE, Jun., H.M. Commissioner.

### HER MAJESTY'S COMMISSIONER IN NATAL

(MR. H. CLOETE) TO THE HON. J. MONTAGU, SECRETARY TO GOVERNMENT.

Pietermaritzburg, 26th December, 1843.

SIR,—I have the honour herewith to transmit, for the information of His Excellency the Governor, a volume (the original of which I have kept here as a record for reference) containing specific entry of every building lot claimed at this place, and also of a few small lots (or erven) in the immediate vicinity of the town, forming part of the town lands, as I propose making my reports on the subject of building lots and town lands distinct and separate from the general enquiry into farms throughout the colony. In like manner, I therefore intend transmitting to His Excellency a separate report on the town allotments at Weenen (where I propose to proceed to immediately to enquire into all the building lots there claimed), that being the only remaining place where a township was established and building lots given out. I shall then be able to embrace in the general report the subject of all farms and other lands entirely unconnected with and independent of the consideration of these town lots, which form so distinct a class that any observations upon these would not be applicable to the farms in general.

As the accompanying volume fully sets forth the result of my enquiries on each separate lot of ground, I shall content myself in the present report to offer a few general remarks which appear to me necessary towards a right understanding of the subject.

In the end of the year 1838, the Volksraad (or Council of the People), then recently appointed, selected this place as the seat of their future government, to which they gave the name of Pietermaritzburg, blending together the names of their two principal leaders, Pieter Retief and Gert Maritz, who had both died in that year. And they could not possibly have selected a spot better adapted for that object. It is situated in the very centre of the Natal territory (on this side of the Drakensberg), occupying a gentle



eminence or saddle-back of great fertility, to the upper part of which a copious stream of water has been led, irrigating the whole area of the town, and supplying every street plentifully during every part of the day; and the very circumstance of its being bare of firewood or timber added to its security against any sudden attack from the Zulus. On this spot, about four hundred and sixty building lots were granted to the first emigrants or publicly sold during the years 1839 and 1840. Those lots, which were thus publicly sold, averaged from four pounds to seven pounds and ten shillings a lot; but by far the majority were granted to immigrants who had entered this colony previous to the year 1839, and who by virtue of an early law or regulation became entitled to the possession of two farms and one building lot, to be fixed upon by themselves, at this place or at Weenen; and the claims to the farms were to be noted in a registry book of farms, subject to their being afterwards inspected and reported upon by a board appointed for that purpose.

The town thus laid out at this place forms a parallelogram extending about a mile and a half in length and a mile in breadth, divided by nine parallel streets seventy-five feet in width, and intersected at right angles by five streets of equal width. The building lots were granted uniformly as being 450 feet in length by 150 feet in breadth, comprising nearly one acre of ground each, and the accompanying copy of a sketch plan kept in the office here (but made without reference to any scale) will at least enable His Excellency to get a clearer insight of the distribution and occupation of the present town allotments than could be conveyed by a mere description.

The unsettled state of the country during the last two or three years, unfavourable to the occupation of any farms, and particularly of those situate at some distance from this town and Port Natal, has on the other hand proved favourable to the formation of this town-ship, as a number of persons, having lost their cattle by the Zulus, or being otherwise apprehensive of their attacks, purchased lots within this town, and have erected buildings or have otherwise cultivated the land; and a reference to the accompanying volume and sketch plan will show that (comparatively speaking) a greater proportion of these lots have been built upon and are otherwise *bona fide* occupied than could be expected, considering the short space of time since the formation of the town and the insecure state of the country.

The number of those verified by me amount to two hundred and fifty-nine, and respecting these there remains, therefore, no difficulty.

There are, moreover, about sixteen lots which the claimants had occupied before the period fixed by His Excellency's proclamation of 12th May last, but the occupation of which had been interrupted either by the parties having gone to the Cape Colony or to their farms; and some few belonging to Englishmen who retired from this place, not deeming themselves safe during the excitement which prevailed here. I would beg leave respectfully to recommend that also these claims might be favourably considered by the Government. \*

\* \* \* \* I have the honour, &c.,

(Signed) H. CLOETE, H.M. Commissioner.

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#### EXTRACTS FROM CLOETE'S LECTURES (1843).

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In discussing with Mr. Boshof and some of the most enlightened members of the Volksraad the manner in which the final arrangements for the settlement of this district could be best effected (for neither Colonel Cloete nor His Excellency the Governor had at that time any authority to enter upon any definite arrangements involving the permanent occupation of the country), they had suggested that the best mode of attaining that object would be by the appointment of a Special Commissioner, with whom these matters could be finally settled; and Colonel Cloete conveyed this their wish to His Excellency Sir George Napier, who, in transmitting an account of all these stirring events to Her Majesty's Secretary of State for the Colonies, also referred to that suggestion of Her Majesty's Government, if it should be determined upon to take formal possession of the country.

Nine months were, however, allowed to pass, leaving all these matters in a state of most painful suspense—and, indeed, an opinion was getting rapidly prevalent that Her Majesty's Government would still eschew all interference in the administration of this country—when on the 1st May, 1843, I received a note from Sir George Napier, stating that he had just received an important despatch on the subject, and having determined to offer me to go to Port Natal as Commissioner, he wished me to come and peruse the despatch. I immediately repaired to Government House, and upon its perusal was so forcibly struck by the liberal and enlightened policy which Lord Stanley (then Secretary of State for the Colonies) had laid down for the

settlement and future administration of this district, that I expressed myself very confident of the result of a mission which would announce such principles to the inhabitants; and I willingly gave up temporarily my profession and accepted the commission; little aware, however, of the additional difficulties which at that very moment were arising within this district to oppose or prevent the attainment of such an object.

A meeting of the Legislative Council was called for the 4th May, at which His Excellency read an able minute setting forth the substance of the Secretary of State's despatch; and on the 12th May my official appointment was announced in a proclamation, which fully set forth the extent of my authority and duties, and the conditions expressly required from the inhabitants before they were to be considered entitled to the privileges vouchsafed to them by Her Majesty's Government. The "Cleopatra" frigate soon after brought me to this place, when on landing at the bay I was informed by the Commandant that, a fortnight before, the Dutch schooner, the "Brazilia," had again made her appearance off the bar, having the notorious Mr. Smellekamp and a clergyman of the Dutch Reformed Church and a schoolmaster on board, and wishing to communicate with the inhabitants, but that he had refused them all intercourse with the shore, and had ordered the vessel away, with all on board, at which he, Major Smith (for the defence of the Camp had earned him a brevet majority), understood that great excitement existed at Pietermaritzburg. I felt the necessity of immediately checking this ebullition, and I sent off instantly an express to the Volksraad, announcing my arrival, and on the third day after my landing arrived at this place. Mr. Boshof, Mr. Zietsman, and two or three others came to meet me on my approach to the town, and in the evening I received the visits of some of the members of the Volksraad, with whom I made the arrangements for holding a meeting in the court-hall. The next morning, on entering the court-room, I found about four or five hundred persons assembled, in and around, almost closing up every approach towards it, even every window. Mr. Stephanus Maritz, senior, presided on the occasion, and to the meeting I opened my commission, and gave an outline of the duties upon which I was about to enter. After being listened to for nearly an hour that I addressed the meeting, a notorious character (Anthon Fick) arose, stating that in the name of the "public" he held a document which he desired to present to me. On asking him the nature of the document, he stated that it contained a resolution not



to enter into any negotiations with me until they (the public) had had intercourse with the persons on board the "Brazilia," and had ascertained the replies from the King of Holland and his Ministers as to their relations with that country.

I at first declined receiving or hearing any such document read ; but finding the meeting much excited upon the subject, I agreed to its being read under the express condition of my being at liberty to answer it directly, if I deemed it advisable ; and with this stipulation he proceeded to read a long rambling statement of all the grievances and hardships of the emigrants to attain possession of this country, full of complaints at the conduct of Major Smith in not allowing their minister and schoolmaster to join them, nor even to allow them to hear the replies from Holland to the treaties they had proposed, &c., the whole ending in a series of resolutions expressive of their determination not to enter into any arrangements with me until those functionaries were restored to them, and they had communicated with the "Brazilia."

I thereupon answered these resolutions immediately, by pointing out that at my departure from the Cape nothing had been known of the "Brazilia" visiting this coast : that the angry tone of their late intercourse with the Commandant had, no doubt, led to his prohibiting any communication with the vessel, but that his proceedings were necessarily unknown to the authorities at the Cape : and that I had, as Commissioner, no concern in these matters, except to assure them that if the "Brazilia" had touched at the Cape no doubt an authority would have been given to these functionaries to land ; and I further pointed out the extreme folly of expecting any support from the King of Holland, with the hope of which they were still so impressed. This proposal from the "public" having been thus set at rest, I addressed myself to the Volksraad, and requested of them to know how and in what manner they would signify their acceptance or rejection of the conditions I had laid before them ; when the chairman, after due consultation on that point, declared that there were only at that moment some half-dozen members of the Volksraad present : that the decision of such an important question required their full attendance : and that their ordinary quarterly meeting being fixed for the first week of August, they desired an adjournment of the question until that date, when a full attendance of the members would be specially called for.

This appeared so reasonable that I at once assented to that adjournment, intending to devote the intermediate time to inspecting

and registering farms and lands in and about Durban, from which the influence and authority of the Volksraad had been expressly excluded by the treaty with my brother, Sir Josiah Cloete.

I, however, remained here (at Pietermaritzburg) a few days longer to explain more fully to the most respectable inhabitants the policy of Her Majesty's Government; and during that time I received the undoubted information that the "war party" here (at the head of which Commandant Gert Rudolph had placed himself) had sent expresses forthwith into the present Sovereignty and Transvaal country, representing that they were about being attacked by Her Majesty's troops, and strongly advising the commandants of those districts to be here, with all the armed force they could collect, by the beginning of August, when they expected an outbreak of hostilities. And at the same time I received a memorial signed by the principal inhabitants of this town, intimating their dread of these hostilities, and soliciting the support of the Government against any violence, which they apprehended in case they were to show their loyalty to the Government or disapprobation of these violent proceedings. This intelligence I immediately transmitted to His Excellency and returned to Durban, where the registration of lands fully engaged my time during the months of June and July, when on 21st July H.M. ship "Thunderbolt" (the first Government steamer employed upon our coast, and subsequently lost on Cape Recife) arrived at Port Natal with a detachment of the 45th Regiment and two guns, which His Excellency had despatched immediately on the receipt of my communication as to my first reception here and the expected meeting in August.

With this accession of force I had flattered myself that Major Smith would have been enabled to advance upon this town before any burgher force could have arrived from behind the Drakensberg; that he might thus have imparted such a confidence into the inhabitants in and about the town as to ensure their presence at the meeting, undeterred by the menaces of those who were bent upon war; but Major Smith, on what the Czar terms "strategic reasons," declined making the advance; and his determination (although at the time deeply regretted by me) only tended in its results to lead to a far more satisfactory conclusion of this political drama.

I had, however, determined to be personally present here, and I accordingly intimated this intention to the Volksraad, and arrived on the 6th of August on the Uysdoorns hill. I was soon met by an advanced guard of some twenty men, and near the town by about

eighty or a hundred more mounted persons—all, however, unarmed; but on reaching my residence at the house of Messrs. Behrens (now part of the present Colonial Office), I was waited upon by Commandant Mocke and five or six other commandants, and about twenty fieldcornets from behind the Drakensberg, who with about 800 or 1,000 men had marched into the town a few days before, and had encamped on the Market-square, where about twenty wagons were ranged, containing all their arms, ammunition, and supplies. The commandants, severally, at once offered me a guard for my personal protection, which I, however, civilly declined, expressing my entire conviction that I needed no such protection; but I certainly found the town in a state of confusion and excitement which it is quite impossible to describe.

The proceedings of the Volksraad had commenced the day before my arrival, when, under the influence of the "war party," the commandants and fieldcornets from beyond the Drakensberg had insisted upon holding a "combined" council of delegates from the two districts on this side and that beyond the mountain (as explained in my first lecture): and that this combined council should consist of sixty members, for the palpable object thus to give a preponderating number of votes on any question to their numerous party. This they had succeeded in carrying; and, the moment they had been elected to take their seats, the notorious Mr. Fick commenced a personal attack upon Mr. Boshof of the most virulent character, charging him with having betrayed their Council, as they termed it, and with having falsified a document (referred to in my previous lecture) by which the members of the Volksraad had tendered their submission to Her Majesty's authority in July, 1842.

It appeared that upon that occasion Mr. Boshof, having been the chief, if not the only, person who could fitly embody their resolutions in writing, had had the labour of drawing out and engrossing all the documents, when some duplicates or triplicates having been required of this treaty, one or two of the country members, who were anxious to leave the town and return to their families, had signed one of the copies of the document in blank, which Mr. Boshof subsequently had to fill in. This had maliciously been perverted into his having got some members to sign a document of which they knew not the contents, and was made the handle of the most malignant attacks upon his person and character; but, fortunately, the members whose convenience he had consulted in taking their signatures before he had been able to make all the copies, were present, and at once completely



explained and refuted this base calumny; while Mr. Boshof's whole career was so unassailable that all these objections were overruled, and he was allowed to take his seat in the Council, where they were very well aware that he could not fail to exert a commanding influence.

One entire day was occupied with this preliminary wrangle, and the parties broke up late at night, to recommence their deliberations the next morning early. During that night, however, a party of the most violent and unprincipled ruffians among them held a secret meeting in one of the huts about the vley in this town, where they resolved upon coming armed to the meeting of the Volksraad next morning, there to bring about a scuffle or outbreak, in the course of which they would make an attack upon (or, in plainer language, assassinate) Boshof, Pretorius, and two others, whom they considered the principal heads of the peace or submission party. Andries Pretorius, who on that occasion proved himself the true benefactor of this country, and who by his scouts kept a watchful eye upon all the proceedings of every party, got very early intelligence of this plot, and he accordingly came to this meeting also secretly armed, and surrounded by numerous and powerful clans; and as the business of the meeting was about to commence, seeing the party mustering who he knew had been hatching this atrocious conspiracy, he addressed the meeting in a tone of extemporaneous, impassioned eloquence not unworthy of Cicero himself, and scarcely surpassed in his first "*Catalinaria*," which, if worked up by a Sallust or Livy, would have handed down his name to posterity as a great orator; in the course of which he informed the chairman and the meeting of a foul conspiracy which he knew had been planned against the friends of peace and good order, and that he could at once point out the principal ruffians, but that he disdained to hand down their names to everlasting infamy; and (looking to the knot where they were chiefly collected) stated that their looks already betrayed the guilt of their consciences: that he dared them to show the arms which he knew they were secretly hiding in their bosoms; that if force and violence were intended, he and his friends were fully prepared to repel it; but, if not lost to all sense of shame, he advised them to hide their diminished heads and to retire from a conflict where reason and temper were required, and not brute force, and thus save themselves from the everlasting infamy which would attach upon their names if they once commenced upon any act of open violence.

Never were the following lines of the immortal poet more

applicable than to the position in which these persons then appeared :—

Thus conscience does make cowards of us all :  
 And thus the native hue of resolution  
 Is sicklied o'er with the pale cast of thought ;  
 And enterprises of great pith and moment  
 With this regard their currents turn awry,  
 And lose the name of action ;

for not one ventured to answer the challenge. The whole of that clique, who soon betrayed themselves by their manner and countenance, silently dropped off from the assembly, and the meeting subsided at once into more order and decorum than had been hitherto observed. Stephanus Maritz, sen., particularly distinguished himself by the temper, tact, and judgment which he displayed on that memorable occasion. He very adroitly got a preliminary question to be mooted, in how far the inhabitants beyond the Drakensberg had a right to vote on this question, viz., whether they were to be affected by any arrangement with me, as they had not been parties to any treaty with Colonel Cloete ; and a deputation from the Volksraad waited on me at Mr. Behrens' residence, where I was anxiously awaiting the result of this meeting, to obtain a formal answer to a question, "How far my authority was to extend, or how far Her Majesty meant to assert her supremacy over this country." Although I was then but a few yards from the court-hall and square, where these exciting events were taking place, I was naturally kept in ignorance of what was passing at the very moment. As I had determined as yet not to take any part in these proceedings, having only informed the chairman that I was here, ready to answer any questions they might wish to put, and thus not being aware of the exact purport and object of the question when put to me, I yet candidly informed them that by my instructions the future boundaries of this district had been left entirely to my decision and report ; that I was, however, fully aware that Her Majesty's Government did not wish in any way to extend her authority over vast extents of country where an effectual protection to life and property could not be secured to the inhabitants, and that I did not hesitate, therefore, to declare at once that I was fully prepared to recommend that the extent of this district should be bounded on the north by the natural Quathlamba range of mountains, and not to extend beyond it.

This answer had a great effect upon the deliberations of the Volksraad. A resolution was thereupon put and carried, declaring that, as the inhabitants beyond the Quathlambas or Draaksberg

mountains were not to be affected by any of my proceedings, their representatives now here had no right to vote on questions which did not affect them: and some of the commandants and representatives from beyond the Sovereignty even joined in that resolution, seeing that they would have considerable difficulty in carrying their original intention. The second day's proceedings then closed, late at night, by the whole of the members who had taken their seats as representing the Winburg and (now) Sovereignty territory withdrawing from the Volksraad; and Commandant Mocke, accompanied by De Kock, Du Plooy, and several other fieldcornets, called upon me the same evening to bid me farewell, Mocke declaring (with a bitterness of feeling which clearly betrayed the disappointment and vexation he felt) that he never again would have anything to do with Natal and its affairs; that he had been greatly deceived by the representations he had received; and that he would now order his men peaceably to withdraw. This order seemed to meet the most implicit obedience. The next day passed by in their making their preparations for their departure; and the following day the whole of that division—about seven or eight hundred strong—wended their way over the Town-hill on their return to the Sovereignty, encountering great hardships on their way from snowstorms and scarcity of provisions.

On the third day of the meeting of the Volksraad, their numbers were thus reduced to the twenty-four members representing the Council for this district only; and the calm and temperate tone adopted at that meeting seemed at once to give promise of a peaceful and satisfactory conclusion to their deliberations.

Dr. Poortman happened to have received a letter from some friend in Holland, in which, alluding to the letters brought over by Smellekamp, the writer informed him of the delusion which had been practised upon them here; and after this letter had been subjected to the closest scrutiny by the post-mark being examined, no doubt remained as to its genuineness, and they appeared at last to become satisfied that all hope of succour or support from Holland was at an end, when they took into consideration the terms of Lord Stanley's despatch of the 13th December, 1842, which I had brought with me, and of which I had made a translation, so far as to show the sound reasoning and the liberal policy by which Her Majesty's Government were actuated in their adoption of this territory.

I had caused several copies to be made of this extract, which I had circulated among them, and of which a perusal, even now, will



interest my auditors, and confirm the opinion I had formed on that subject. One part of that despatch is to this effect:—

“The question then remains, in what manner to deal with the district and the numerous population thus brought again into submission and under allegiance to Her Majesty?”

“Various courses may be pursued, the supremacy of the British Crown having been established. The existing population might be permitted to remain and to conduct their own affairs, withdrawing the British troops, and thus neither exercising practical control over them nor affording them efficient protection.

“They may be removed and compelled to return under the pressure of an overwhelming military force, such as would leave no alternative but that of submission or extermination.

“The emigrants may be summoned to return within the settled limits of the colony of the Cape, deprived of all protection in the event of their refusal against the hostility of the Zulus and other tribes, and of the Kafirs within their own boundaries; and further, if deemed expedient, cut off from all supplies by sea, and all regular and uninterrupted communication by land; or lastly, they may be taken under the protection of the British Crown, their district recognised and adopted as a British colony, and such institutions established under British authority as Her Majesty may think fit.

“All these courses are open to adoption, and all require thus to be maturely and carefully weighed.

“Two other courses there are, to neither of which, however, could Her Majesty’s servants for a moment listen: the one to admit the independence of the emigrants, and to disclaim all responsibility regarding them; the other to permit them to come under the protection or dominion of any Foreign Power.

“1. The first course of the four to which I have adverted is open to very obvious objections. Virtually, though not nominally, it would be conferring independence on the emigrants, and the British Government would, in the face of the civilised world, make itself responsible for the conduct of its subjects, whom, nevertheless, it neither assumed to control by legislation nor to protect by military support. I fear, moreover, that in the present state of the population many of their acts, whether towards each other, towards the native tribes within their limits, or towards those who surround them, might be such as the British Government would neither approve nor permit; that disunion and jealousies amongst themselves would require the intervention of some supreme authority; and that Her

Majesty could not safely entrust the emigrant farmers with the unchecked management of the Kafirs within their territory, nor repose entire confidence in the moderation and temper with which they might repel the aggressions or avenge the occasional depredations of the border tribes.

"2. I confess, if there were any reasonable probability of inducing the body of the emigrants to return within the settled limits of the colony, under your government, either voluntarily or, after a reasonable time, by such methods of compulsion as I have indicated, such would be the result, which, as you are already aware, Her Majesty's Government would most willingly see accomplished.

"But you and Colonel Cloete concur in representing in the strongest terms the impossibility of inducing any considerable number of the emigrants voluntarily to return to the colony for the sake of British protection; and in your despatches of 24th July and 24th August you assign very strong reasons why, on this subject, no intermediate mode of compulsion should be adopted.

"Her Majesty's Government have carefully weighed the arguments which you have urged and the difficulties which you have suggested in opposition to such a measure; and I am bound to acknowledge that they appear to us to be almost, if not entirely, conclusive.

"But it appears to us that there are reasons at least equally strong against the third course suggested—that of the employment against the Boers of a force sufficient to compel their return or to exterminate them.

"That such a course is in our power there can be no doubt; but, notwithstanding all the faults of which the emigrants have been guilty, I cannot be insensible to their good qualities, or to the hardships which they have undergone; nor can I reconcile it to my sense either of humanity or policy to employ a large British force in the extirpation of a body of industrious colonists professing allegiance to the British Crown, and inviting the savage tribes surrounding them to join in the exterminating process. Measures so extreme could only be justified by a necessity which, I am happy to think, does not in this case exist.

"There remains, then, only to be considered the question of the recognition of the territory of Port Natal as a British colony, or part of a British colony. \* \* \*

"The Commissioner will be authorised to call together the principal emigrant farmers and others, and inform them that Her

Majesty has been graciously pleased to bury in oblivion past transactions; and, desirous of being enabled to rely upon their present assurances of dutiful obedience and loyalty, is anxious to place the institutions of the colony upon such a footing, consistent with the maintenance of her royal authority, as may be most acceptable to the bulk of her subjects. The Commissioner is, therefore, to be authorised to invite the unreserved expression of their opinions and wishes in respect to the judicial and other local institutions under which they may desire to be placed, with an assurance that such expressions, when submitted to Her Majesty, shall receive Her Majesty's most favourable consideration.

"He will cause it to be distinctly understood, however, that this authority does not extend to the question of legislation, on which Her Majesty reserves to herself the most entire freedom of action.

"I think it probable, looking to the nature of the population, that they will desire those institutions to be founded upon the Dutch rather than on the English model; and, however little some of those institutions may be suited to a more advanced state of civilization, it is the desire of Her Majesty's Government that, in this respect, the contentment of the emigrants rather than the abstract merits of the institutions should guide our decision."

The principles thus laid down as to the future policy of Her Majesty's Government were so sensible, and approved themselves so entirely to their own wants and wishes, that the meeting resolved at once to adopt them. But a difficulty then arose as to the manner in which this adoption should be penned, and a deputation accordingly waited upon me expressive of their desire to know how their submission had best be worded. I at once referred them to the proclamation of His Excellency Sir George Napier of 12th May, which, indeed, only embodied the precise terms of Lord Stanley's despatch, and informed them that no deed of submission would be accepted by me which did not accept and express their entire acceptance of the three conditions set forth in that proclamation; and I referred them to these words as set forth in the proclamation, viz. :—

"It is also necessary that the Commissioner should most explicitly make known to the emigrants that, whatever may be the institutions ultimately sanctioned, these conditions are actually essential :

"There shall not be in the eye of the law any distinction or disqualification whatever founded on mere distinction of colour, origin, language, or creed; but that the protection of the law, in letter and in substance, shall be extended impartially to all alike.



"2. That no aggression shall be sanctioned upon the natives residing beyond the border of the colony under any plea whatever, by any private person, or any body of men, unless acting under the immediate authority and orders of the Government.

"3. That slavery in any shape, or under any modification, is absolutely unlawful, as in every other portion of Her Majesty's dominions.

"You will take care that it be distinctly understood that these three conditions are indispensable preliminaries to the permission which it is proposed to give to the emigrants to occupy the territory of Port Natal, and to enjoy therein a settled government under British protection; and I trust that no difficulty will be found in obtaining a willing acquiescence of the emigrants in stipulations so reasonable, and in our judgment not more called for by humanity and justice than essential to the peace and good order of the district."

Another deputation soon after followed, expressive of the entire concurrence of the Volksraad in the second and third conditions, but stating that they still thought that the first clause should be modified in some shape. It was evident from this that they still inclined to suggest some special reservation in regard to the rights and liberties of the Kafirs, and to lay the foundation for separate class legislation for these. But I repelled all idea of such a nature by at once declaring that I would not admit of the smallest departure from those terms; and at length, towards the evening, the chairman, together with a deputation from the Council, handed me the following declaration, which expressed in the following words their entire and unconditional acceptance of all the terms prescribed by His Excellency. The document as translated runs thus:—

"Pietermaritzburg, 8th August, 1843.

"SIR,—We, the undersigned, members and representatives of the Volksraad, having had in consideration the Proclamation of His Excellency the Governor, dated 12th May last, do hereby declare to have agreed to the conditions set forth in the 6th article of the said Proclamation, and to accept the same.

"Signed by J. Maritz (President), M. J. Potgieter, P. R. Otto, P. M. Zietsman, B. Poortman, M. J. Pretorius, J. A. Cilliers, G. R. van Rooyen, G. J. Naudé, C. F. Rotman, L. J. Meyer, G. F. Potgieter, P. R. Nel, A. J. Spies, P. G. Human, J. A. Krill, M. A. van Aardt, G. C. Viljoen, Gert Snyman, H. J. van den Berg, A. Z. Visage, M. Prinslo, C. A. Ruthman, N. J. S. Basson; J. Bodenstein, Secretary of the Volksraad.

"The Hon. H. CLOETE, Her Majesty's Commissioner."

It will thus be seen that this stormy meeting held in this town in August, 1843, after being protracted for three days, had ended in all the twenty-four members of the Volksraad unanimously signing this formal deed ; and when it is considered that although Pretorius, Boshof, Zietsman the elder, and several others of the most respectable inhabitants, who had no seat in the Volksraad, had not yet expressed their entire concurrence in this proclamation, no doubt can be entertained that this solemn deed of submission to, and recognition of, Her Majesty's authority had been obtained by the deliberate and unanimous voice of all those who had really any stake or interest in the country : and with every friend of humanity it became a matter of heartfelt satisfaction and of gratitude to the Great Disposer of human affairs that this had been by a perfectly free and unbiassed judgment of the constituted authorities at the time; without any threats or pressure from without. But I cannot close this lecture without recording my sincere acknowledgment that this peaceable and satisfactory termination of the broils of the inhabitants with the Government had thus been chiefly effected by the influence of the (now deceased) Andries Pretorius, of Stephanus Maritz, of Mr. Boshof, of Dr. Poortman, and of the Zietsmans, father and son, who proved themselves true friends of the welfare of this country, which, despite many difficulties with which it has had to contend, has made during these last twelve years a steady progress in social, agricultural, and commercial improvement. These persons chiefly opened the eyes of their countrymen to the delusion under which they had long laboured either as to their power of self-government or the still more vain hope of foreign support ; and I trust I may now venture to express my sincere thankfulness to them for the aid they afforded me during those trying scenes.

You have now been informed of the true state of things in this district from its early formation until the formal submission of the inhabitants to Her Majesty's authority. You will perceive how errors and faults committed on both sides threatened at one time to plunge this country into an interminable civil war, and how this was most providentially averted chiefly by the influence of reason and good sense actuating the minds of leading men in this community, who became fully impressed that Her Majesty's Government, bound to assert its authority and dignity, on the one hand, was yet inclined to confer upon them every advantage consistent with true liberty ; for liberty we jurists know does not consist in doing everything every individual in any society pleases, but only in doing that which

is not contrary to law and higher authority. *Nisi quod vi aut jure prohibeatur*; and I cannot give you a more striking proof of the effect which the dissemination of those principles of Her Majesty's Government produced even upon those who, "with curses loud and deep," had broken up from the deliberations of the Volksraad, and had returned to their homes in the Sovereignty, than that four months after these occurrences had taken place I was agreeably surprised by a deputation arriving here, headed by the two most influential inhabitants of the Modder and Caledon Rivers, Van den Heever and Oberholster, who presented me a memorial signed by five hundred actual landholders in that district, soliciting that I might also extend my labours to the country from the Draaksberg to the banks of the Orange River, and that a very large majority of the inhabitants there were willing to subscribe to the same terms as the inhabitants of this district.

I at once informed them that I had personally no objection to proceed to their country and arrange matters there in the same way as I was doing here; but that a decision on this memorial must rest altogether with the Governor of the Cape Colony, to whom the memorial would be transmitted. This I accordingly did; but in the meantime "a new king arose in Egypt, who knew not Joseph;" or, in plainer language, another Governor, Sir Peregrine Maitland, had come out and superseded Sir George Napier, whose period of holding a government under the Queen's regulations had long expired. This Governor, who probably felt no such deep interest in these matters or countries as his predecessor, or had received more stringent rules to carry out, simply replied that the application could not be entertained. It is, therefore, vain now to speculate how the affairs of the Orange River Territory would have proceeded if the same policy had been followed out towards them. But the following little anecdote will show the zeal and prudence with which that deputation had performed the trust confided to them. Some days before their arrival at this place, we had heard a report that a deputation was on its way here, but that they had been waylaid and stopped by some of the "ultra radical" party behind the mountain. On their presenting themselves to me I alluded to this report, and begged to be informed whether there was any truth in it; when old Oberholster replied that there was some truth in it: that in the signing of this memorial its object had necessarily been known throughout the country, and that, at the Sand River drift (which they were obliged to cross on their way here) an armed party from the neighbourhood



had surrounded them, and declaring them "traitors" to their country, had positively and violently threatened to attack them unless they delivered up the memorial to them; but Oberholster proceeded:—"We had also anticipated and provided for such an occurrence; for, after a show of resistance, we somewhat reluctantly took out of the front chest of my wagon the memorial which had been placed there, and which they carried off in triumph: but at the same time we had had a duplicate prepared of the same document, and signed by all the five hundred landowners as the other. This duplicate I kept in the bedding of my 'katel,' and now deliver with its seals quite intact."

This little incident shows at least the earnestness with which they had set about to have the same boon conferred on them as had been granted to the inhabitants of this district; and the latter would be ungrateful indeed if they failed now to acknowledge and be thankful for the very many blessings which have been vouchsafed to them as a community during the last twelve years.

I feel, at least, that I am not only deeply indebted to those influential persons whose names I have just given as the real benefactors of their country, but, independent of this feeling, I could not but be sensible every day during the momentous events by which I was surrounded that there was a Divinity throughout, watchful of the interests of this favoured country; and whose might was then--and has ever since been--protecting it from the horrors of the savage wars by which the Cape frontier and the Sovereignty have been afflicted: that here, at least, during all those years neither war, famine, nor pestilence has afflicted the country; but, on the contrary, with whatever difficulties the first introduction of a settled government may have been beset, it has slowly but surely progressed in the development of every resource from which the true prosperity of a country depends.

Everywhere around us we perceive striking signs of improvement, both in our social, moral, agricultural, and even political relations; and the inestimable blessing of peace which we have so long enjoyed only requires to be continued to bring these advantages into full maturity.

## SECTION VI.

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1844.

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### DESPATCH FROM LORD STANLEY TO SIR G. NAPIER.

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Downing-street, 1st January, 1844.

SIR,—With reference to the communication which I addressed to you under date of 19th October last, No. 6 (Military), I have now to observe that the present aspect of affairs at the Cape and Natal is such as to lead me to hope that it may be unnecessary to send out the contemplated reinforcement, ill as it could be spared, of the troops under your command.

I do not, therefore, propose to take any steps with a view to fulfil the expectations which I have authorised you to entertain on that head.—I have the honour, &c.,

(Signed) STANLEY.

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### DESPATCH FROM SIR G. NAPIER, K.C.B.,

TO THE RIGHT HONOURABLE THE LORD STANLEY, SECRETARY OF STATE.

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Government House, Cape of Good Hope,  
22nd January, 1844.

MY LORD,—Since the date of my last despatch, respecting Natal, No. 226, of the 1st ultimo, I have received, and have now the honour to forward to your Lordship, the accompanying letters from Her Majesty's Commissioner and from the Military Commandant at that place. To these I have annexed copies of my replies.

I also submit the minutes of the opinions and recommendations of the Executive Council on this correspondence. They have my

perfect concurrence, and will, I trust, obtain your Lordship's approval.

As the Council has entered so minutely into the several subjects, it will, I believe, be unnecessary for me to do more here than to request Her Majesty's gracious decision on the following points:—

1. The cession by Panda, the Zulu Chief, of the Bay of St. Lucia, and the suggested survey of that bay.

2. The allowances to the civil officers appointed by the Provisional Government.

3. The appointment of a Harbourmaster and Postmaster at Port Natal.—I have the honour, &c.,

(Signed) GEORGE NAPIER.

#### EXECUTIVE COUNCIL.—CAPE OF GOOD HOPE.

Colonial Office, 30th January, 1844.

The Council, in pursuance of a summons from His Excellency the Governor to that effect, assembled this day at this office.

Present:—His Excellency the Governor and all the members.

After prayers, the minutes of the preceding meeting, held on the 23rd December last, are read and confirmed.

His Excellency lays before the Council:—

1st. The amended regulations for the Municipality of the Paarl, adopted at a public meeting of the resident householders, held on the 29th December last, which are read and confirmed, and ordered to be published in the usual manner.

2nd. Amended regulations for the Municipality of Worcester, passed at a public meeting of the resident householders, held on the 3rd instant, which are read and ordered to be returned for amendment. The Council suggest that the lands which it is proposed in the 24th section that the Commissioners should be authorised to select on the town commonage for the further location of the poorer classes, should be subject to the approval of the Civil Commissioner; and they advise that the sections of the regulations from 75 to 81—respecting bakers and butchers—should also be revised; and that the Municipal Commissioners should be informed that it does not appear that the Ordinance No. 9 of 1836 vests them with the power to make any legislative provision respecting licences for bakers and butchers, although it empowers them generally to establish regula-



tions to prevent frauds and nuisances ; and that if the clauses referred to were framed for accomplishing those objects, the Council will be happy to reconsider them

His Excellency lays upon the table the following communications, viz. :—

Letters from the Honourable Mr. Cloete to the Secretary to Government, dated 30th November, 6th and 11th December last, respectively, and from Major Smith, dated 11th, 14th, and 15th December last, respectively. The Council advise that the several subjects embraced in these communications should be submitted for the consideration of the Secretary of State, and that Mr. Cloete should be informed, with reference to his letter of the 6th December last, that it is not necessary that he should proceed to the Draaksberg. Adverting to Major Smith's communication of the 11th December last, the Council recommend that Mr. Cloete should be informed that His Excellency has heard that his clerk, Mr. Buissinne, has been acting as an agent in purchasing lands ; and that, if the information be correct, the Governor considers it extremely objectionable that he should have been so employed, as it is obvious that he possesses better means than any other person can have of ascertaining the value of the titles to the lands, and that he must therefore forthwith discontinue to do so.

The following communications were also read :—

Letters from Mr. Cloete, dated 15th, 21st, and 26th December last and 5th instant respectively, and from Major Smith dated 23rd December last, and four of the 8th instant, respectively. With reference to Mr. Cloete's letter of the 15th December, the Council advise His Excellency, as a temporary arrangement, subject to Lord Stanley's decision, to authorise the appointment of the Rev. Mr. Lindley as minister at the Paarde Plaat, with a salary at the rate of £100 per annum, to be paid from the Natal Treasury from the date of Mr. Cloete's receipt of His Excellency's authority ; and they suggest that Major Smith should be directed to pay the salary upon Mr. Cloete's certificate of the date of his receipt of the authority.

Upon the solemn declaration by Mr. J. J. Burger of future faithful allegiance, transmitted by Mr. Cloete's letter of the 21st December last, and in consideration of his sincere contrition for his past conduct, the Council advise the Governor to extend to Jacobus Johannes Burger the like pardon as had of late been granted to Joachim Prinslo and Michael van Breda.

The Council recommend that Mr. Cloete's report of the 26th

December and Major Smith's of the 23rd December last, upon the application of Messrs. Chiappini and Hawkins, respecting contracts of hire with the natives of Natal, be transmitted to the Secretary of State, together with the whole correspondence relating thereto, for his Lordship's instructions upon the subject.

The Council are of opinion that it is not necessary that Mr. Cloete should extend his tour of inspection, as proposed in his communication of the 5th instant, and that he has no claim to an increased monthly allowance, or to remuneration for the travelling expenses incurred by him, and they recommend that he should be instructed to return to Cape Town, by sea, immediately after he shall have received all the Natal land claims.

The Council approve of Major Smith's conduct in refusing the application of the Chief Umtendu to hold a witch-dance, and of his subsequent proceedings in the matter as reported in his communication of the 8th instant.

The Council advise that Major Smith should be informed that there is no law to authorise the penalty in which he has mulcted George Winder, as reported in his letter of the 8th instant, for smuggling gunpowder and other goods into Natal without payment of duty, and they therefore recommend that the penalty should be abandoned; but they are of opinion that the goods should remain under seizure as forfeited.

The Council are of opinion that the outrage stated in Major Smith's letter of the 8th instant to have been committed by one Marthinus Viljoen and a party of Boers upon some Kafirs, is a most serious offence, if correct, and they therefore recommend that Major Smith should be instructed to enquire further into the matter; and that, if found to be true, he should, as a Justice of the Peace, take proper steps to apprehend the offender and bring him to justice; for which purpose he must forward him, with the witnesses and depositions, to Cape Town for trial; and that he should be informed that Mr. Cloete will receive instructions to the same effect in reference to his mention of the circumstance in his communication of the 5th instant.

His Excellency lays upon the table a letter from the Rev. A. Faure, under date the 4th instant, reporting the result of his mission to Natal, which is read. The Council recommend that Mr. Faure's communication should be transmitted for Lord Stanley's information.

And the Council adjourned.

## THE REV. A. FAURE TO THE HON. JOHN MONTAGU.

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Leeuwens Rust, 4th January, 1844.

SIR,—With reference to your letter of the 29th August last, I beg to state that I availed myself of the opportunity afforded me of proceeding to Port Natal in Her Majesty's steam frigate "Thunderbolt," where on my arrival Mr. Cloete, Her Majesty's Commissioner, being thereunto authorised, engaged my services to the emigrant farmers (by letter dated 11th September), calling my attention more particularly to the northern district of Weenen, beyond the Draaksberg, if solicited by the inhabitants—whither, however, I was not to move without some special invitation. The Commissioner at the same time requested me not in any way to express any opinions which may tend to call into question the validity of any clerical ceremonies Mr. Lindley or his predecessors may have administered.

In my answer (dated 12th of September) I declared my willingness to proceed to those parts, under said restrictions; and in my sojourn amongst the emigrant farmers, although often interrogated as to the validity of the ceremonies performed by various individuals, I strictly adhered to the injunctions of Her Majesty's Commissioner, and the concluding paragraph of my above-mentioned answer, viz., I perfectly agree with you that it would not be prudent to express opinions here regarding the validity of any religious ceremony performed by the Rev. Mr. Lindley or his predecessors,—by which I suppose you allude more particularly to the celebration of the marriage ceremony,—I would, however, beg to suggest to you whether it would not be for the interest of all parties (as this has been declared a British colony) to advise the Rev. Mr. Lindley (should he not already have done so) in future to have all marriages registered in accordance with the Order of Her Majesty in Council of September, 1838, as I am in duty bound to conform myself to it, should I in my ministrations be called upon to perform that religious ceremony.

As I did not immediately meet with an opportunity of proceeding to Pietermaritzburg, I found occasion, during nine days' stay at Natal, of visiting the families of the emigrants in that neighbourhood, of preaching the Gospel, and administering the ordinance of baptism. The district of Natal (where, though no place has been erected by the Dutch population for performing public worship, a Consistory has been established and inducted by authority of the Volksraad) extends about thirty miles towards Maritzburg, and contained about two years ago upwards of one hundred families. During



the last twelve months more than fifty families left that district, amounting in the aggregate to two hundred and forty-four souls. Some had left prior to that period; so that, excluding nine English families residing in that district, the Dutch emigrant population does not exceed thirty families, or one hundred and twenty nine souls. These persons have expressed an earnest desire that a clergyman of the Dutch Reformed Church may be appointed to that district. The number of inhabitants at present is indeed small; but as the port is the place the majority will ultimately resort to for the sake of trade, when the excitement in the inland districts shall have ceased, as a zealous minister will extend his ministry to other parts, and be the means of effectually benefiting the people, I take the liberty of earnestly recommending to His Excellency that a minister be appointed to that district, associated with a good active school-master. Considering the impoverished state of the people, it would be unreasonable to expect much assistance from them; but I may state that both minister and teacher may for the present take occupancy of suitable houses on a Government farm called "Paarde Plaat," a few miles from Natal, built by the Messrs. De Jager, but relinquished some time since, when they and many with them removed to the upper districts.

The district bordering on the Natal district is Pietermaritzburg, being eighty miles in length. The town, which is sixty miles from Natal, contains about 120 houses, a court-house, and a place for divine worship thirty feet by fifty. The Rev. Daniel Lindley, formerly missionary in the service of the American Board for Foreign Missions, who accepted three years ago the appointment from the Volksraad of minister to the emigrants, hailed my arrival with every demonstration of real interest in the object of my mission. Mr. Lindley made me fully acquainted with those particulars regarding the state of feeling amongst the emigrants I was anxious to ascertain. He gave me every information regarding Weenen, which is about eighty miles distant from Pietermaritzburg, containing sixteen habitations, without any place for public worship, and soon convinced me that not Weenen, but Pietermaritzburg, should be the sphere of my public labours, as being the place of general resort for the farmers not only from the different parts of that district, but also from the other districts. Mr. Lindley offered me his pulpit, of which I accepted; and although umbrage was taken by some evil-disposed minds at my praying for Her Most Gracious Majesty, that and every other unkind feeling subsequently entirely subsided; whilst I did not shrink from both publicly and privately testifying against everything

I considered contrary to Christian duty, which they appeared fully to appreciate. The time for holding the Communion being at hand, that season was fully improved in accordance with the ritual of the Dutch Reformed Church for enforcing the principles of the Gospel, and I have reasons to believe with the most beneficial results. Mr. Lindley having communicated to the Consistory of Pietermaritzburg the suggestion he had received from Her Majesty's Commissioner respecting the future registration of marriages, experienced some difficulty in obtaining the compliance of the people. Having, however, declared his determination to act in conformity with Her Majesty's Order in Council, I entertain no doubt of the compliance of the interested parties, as I experienced no difficulty in having it effected in the only two cases in which, during his absence, my assistance had been requested. Where yielding to prejudice will be construed "obtaining right," it is necessary, lest authority be set at defiance, to act, whilst conciliatory, with Christian firmness.

During my stay at Pietermaritzburg, I visited various locations to about thirty miles north. The Consistory of Weenen had been apprised by the Church authorities of the former place of my appointment to officiate amongst them. Being desirous of obtaining an entrance amongst them, and especially beyond the Draaksberg, where the majority of the emigrants reside who are said to be in more thriving circumstances than their friends on the Natal side, I embraced every opportunity of making them acquainted with the object of my mission. Whilst awaiting that expression of a desire to have my services, a notice reached Pietermaritzburg that letters had been addressed from Messrs. Ham and Smellekamp at Delagoa Bay, which caused no little excitement amongst the people in the upper districts. At Pietermaritzburg itself it was but momentary; for they very soon ascertained from the documents themselves that the accounts I had previously given them of said clergyman was correct. The Rev. Mr. Lindley received a letter from Mr. Cronje, senior elder at Weenen, requesting him not to allow my accompanying him to that place. To a communication I had made to the Consistory requesting them to apprise me in due time of the time and places they might have appointed when and where I was to officiate, I received an answer subsequent to Mr. Lindley's letter, signed P. Cronje and O. Spies, elders, declining my services. Verbal notices of a like nature, to which, however, I attached no importance whatever, reached me from the inland districts. I was prepared to start beyond the mountain, but, feeling the delicacy of my situation, I consulted Her Majesty's Commissioner, who advised me by letter (dated

1st November, 1843) should some overture still be made from Weenen "to avail myself of the invitation as soon as possible;" adding, regarding my travelling overland, "as all the reports touching the state of parties beyond the Draaksberg represent that country to be in so unsettled a state, I strongly recommend you not to expose yourself and family to the opposition and insults which an ignorant and besotted set of persons may exhibit." No overture being made from Weenen, as I fully expected would have been the case after the Rev. Mr. Lindley's visit, and the displeasure said to have been evinced when the contents of the letter written to me were made known, and my leave of absence drawing to a close, I availed myself of Her Majesty's Commissioner's notice regarding the expected arrival of H.M. Corvette "Cleopatra," on board of which I embarked on the 10th December, and landed at Simon's Bay on the 22nd, feeling greatly indebted to Captain Wyvill for the great kindness and attention Mrs. Faure and myself experienced during the voyage.

Will you allow me, Sir, to state the following facts for the information of His Excellency :—

By the authority of the Volksraad, shortly after the appointment of the Rev. Mr. Lindley, the community of the emigrants, including the territory from Natal to the Modder River, has been divided into five districts, to each of which a landdrost and heemraden have been appointed, and consistories established and inducted. Except at Pietermaritzburg, no place of worship has been built. On the occasional visits of Mr. Lindley to the more remote parts, a temporary hut has been erected, or the ordinances were administered in a tent constructed of wagon coverings.

Mr. Lindley has during his ministry baptised :—

At Natal, children	...	...	...	79
At Maritzburg, in the year 1841	...	...	...	248
"              "      1842	...	...	...	244
"              "      1843	...	...	...	148
At Weenen (138 miles from Natal) ...	...	...	...	100
At Potchefspruit* (460 miles from Natal north, on a pastoral visit in the months of May and June, 1842)	...	...	...	202
At Winburg (378 miles from Natal), during said visit in 1842	...	...	...	362
				1,383

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\* A great number of emigrants in this parish reside at Magaliberg, being 532 miles from Natal.



The youth in the parish of Natal being confirmed at Pietermaritzburg, he has during said period confirmed :—

At Pietermaritzburg	...	...	214 members.
At Weenen	...	...	90 „
At Potchefspruit, during the above-mentioned visit	...	...	109 „
At Winburg	...	...	170 „
			<hr/>
			573 members.

He has married—

At Pietermaritzburg	...	...	70 couples.
At Weenen	...	...	9 „
At Potchefspruit	...	...	7 „
At Winburg	...	...	11 „

None of these marriages have been registered in conformity to Her Majesty's Order in Council.

The Volksraad had appointed the landdrosts as marriage officers, and although on the appointment of the Rev. Mr. Lindley that order is said to have been rescinded, it was by many still observed. Moreover, individuals who had no authority whatever took upon them to celebrate the marriage ceremony, such as Messrs. Eelhof and Paul Roos, the children of which marriages were declared illegitimate by the Consistory of Pietermaritzburg when presented for baptism.

Having already alluded to the departure of many families from the Natal district, I may remark that for some time past the population on the north and west of Draaksberg has been and is said to be rapidly increasing, whereas on the Natal side the decrease has for the last year been very perceptible. The causes of this emigration are said to be partly the losses sustained in cattle and sheep, it being soon found that at Natal and Pietermaritzburg sheep do not thrive at all; and that the luxuriant pasturage is not good, except for such cattle as had been gradually accustomed to the same, or been bred in those parts. The consequence has been that the sheep farmers had either remained on the other side of the Draaksberg, or returned to those parts, where they found a better pasturage for their flocks. On the other hand, it cannot be concealed that hostility to Her Most Gracious Majesty's Government has drawn many to the inland districts, where they ignorantly fancy themselves subject to no efficient authority. The number of families on the other side I am

not competent to state. The number in the three districts of Weenen, Pietermaritzburg, and Natal I calculated to amount to about five hundred; but the Rev. Mr. Lindley, whose information on the subject is perhaps much more correct than my own, estimates the whole amount at three hundred and sixty-five, being—in the village of Weenen, 17; district of Weenen, 108; village and district of Pietermaritzburg, 200; village and district of Natal, 40. Total, 365.

From what has come under my own observation, and the conversation I have had with various individuals, I hesitate not to state the conviction which has arisen in my own mind that the arrival of the Dutch brig “*Brazilia*” in 1842, and her subsequent visit in 1843, although no communication was then directly allowed the captain and supercargo with the farmers, has had a most pernicious influence on the minds of many of these very ignorant and deluded countrymen. I do not augur much good from the way and manner Mr. Ham (sent out by Mr. Jacob Swart and a self-elected committee at Amsterdam for the spiritual interest of Natal) is endeavouring to obtain an entrance to the people. I most sincerely regret to find from original documents submitted to me that said committee of clergymen should have tendered advice to the Consistory of Pietermaritzburg for ordaining Mr. Ham, so entirely contrary to the rules and practices of the Dutch Reformed Church. The Consistory of Pietermaritzburg felt the force of my remarks, and have no connection with those who wish Mr. Ham amongst them. They are attached to the Rev. Mr. Lindley, and I can bear testimony to the indefatigable labours of that excellent man; and I trust I am not exceeding the path of duty when I take this opportunity of recommending to His Excellency that the labours of Mr. Lindley be by Her Majesty’s Government secured to the farmers in the upper districts, provided he subscribes the laws and regulations of the Dutch Reformed Church of this colony, which I know he does not feel unwilling to do. Mr. Lindley was pastor of a Presbyterian church in one of the Southern States of America, came to Africa in the service of the American Board of Foreign Missions as missionary to the Zulus, was obliged to leave Matyili Katyi’s country when that chief was attacked by the farmers, settled at Natal, and on the emigrants pouring into those parts was prevailed upon to accept their appointment as their minister. Though his connection with the Board has not been dissolved, he is not in the receipt of any support from them, but draws his pittance from the voluntary contributions of the farmers. The Volksraad has represented that every denomination should support

its own minister. Before I left Pietermaritzburg, the Consistory seemed convinced of what I communicated to them regarding the growth of voluntaryism, which, however prosperously it may thrive in other parts of the world, the soil in South Africa does not yet seem prepared for nourishing that plant. The finances of the Church at that place were in a very low state, and they had no prospect of improving the same. Mr. Lindley has the affection and confidence of many, and when disencumbered of their support may be the means of carrying on the good work, which otherwise he will be necessitated to exchange for labours in his own country. May I be allowed to express my opinion that I consider it of the utmost importance that the connection be kept up, and not dissolved, between the Reformed Church in this colony and the Church at Natal. It may effectually prevent the interference of foreign Churches, of which a commencement had been made.

And I tell you, Sir, that the ignorance of the emigrants is great indeed: that the rising generation, following the example of their parents, is growing up more expert in the use of the gun than the knowledge of the alphabet: that their ignorance and credulity make them the dupes of every designing individual, whose influence would soon be counteracted if good and efficient schoolmasters and faithful, zealous clergymen were placed amongst them. They may extinguish a fire before it has spread devastation if acting with prudence and firmness. Had it not been for the seasonable and powerful interference of the Rev. Mr. Lindley, who had just returned in 1842 from his inland visit, a most sad tale would have been unfolded. He deeply mourns over the ignorance and prejudices of the people, does everything to imbue their minds with sound doctrine, and during my abode left nothing undone to render my labours in every way beneficial. I will not enter into the motives why the people in general seem desirous to have ministers amongst them; but having that desire, good men may not only promote incalculable good, but prevent great mischief. Need I add, Sir, that, besides the number already recommended, four clergymen, and an equal number of good schoolmasters, would find abundant employment in dispersing the cloud of ignorance and sowing the seed of undefiled religion. Here I am sorry to remark that a schoolmaster left behind by Mr. Smellekamp, on his first visit, is said to exercise an influence on the minds of the farmers in the inland districts not conducive to their own happiness or the peace of the country.

I take the liberty of mentioning that I had an opportunity of



witnessing the labours of the American missionaries amongst the Kafirs, with which I have been highly delighted. The Rev. Mr. Grout, at the Umgeni, and Dr. Adams, at the Umlaasi, impart instruction to the natives, through the medium of their own language, and to them the natives have given proofs of grateful attachment. Mr. Grout has in his neighbourhood about eight thousand souls, and Dr. Adams calculates on fifteen thousand in the district bordering on his station. It was yet undecided whether these worthy men would remain in the country, as the Board had intimated a likelihood of their being recalled and those stations relinquished. This notice has given great pain to these estimable missionaries, who have just acquired the language of the country, and a knowledge of the character of the people. Their removal would be keenly felt by the natives, who are beginning to take a lively interest in the instruction they are receiving. About one thousand usually attend the public services on a Sabbath. Mr. Grout has formerly laboured in Umpande's country, but the conduct of that cruel chief obliged him to quit that region. Since my return I received a letter from Mr. Grout, in which he says Umpande has by his messengers, now at Natal, expressed a wish that an agent from Government may be sent to stop with him, and has also expressed a wish that a missionary may be sent to him.

As the effect of moral influence on the mind of the heathen must ever be considered of supreme importance, I take the liberty of remarking that it would be of incalculable benefit if those worthy men could be prevailed upon to continue their labours amongst those aborigines, should the American Board of Foreign Missions resolve to abandon their mission in the Natal district.

As the aborigines will be secured in their right and title to the ground equally with the emigrant farmers, may I be permitted to suggest that the right and title to any extent of ground be secured, not to the whole kraal collectively, but individually to every head of a family, with a proviso that he shall not be at liberty of selling that property to a white man for a term of years to be fixed. This will prevent all intrigue. Keep the proprietor on his property, which, with industry, as religion and civilization extend, he will turn to his best advantage. It was delightful to me to notice the extent of the gardens cultivated by the Kafirs at Pietermaritzburg. I often witnessed parties of Kafirs coming with firewood and the produce of their gardens, which was readily disposed of to the inhabitants. To remove them out of the district would, I think, militate against the interest of the emigrant and the Kafir.

Where separate locations are established, and the right of every individual to his erf properly registered, a sufficient quantity of commonage for pasture lands should, besides, be secured to such location, and a missionary be appointed or invited to labour amongst them.

In thus expressing my opinions, Sir, should I have done so with a freedom which may be considered not becoming, I trust the purity of my motives in endeavouring to benefit the inhabitants of the new colony, whether emigrants or natives, may plead in extenuation of such offence.—I have the honour, &c.,

(Signed) A. FAURE.

#### HER MAJESTY'S COMMISSIONER, NATAL,

TO THE HON. J. MONTAGU, SECRETARY TO GOVERNMENT, CAPE TOWN.

Pietermaritzburg, 11th February, 1844.

SIR,—I have the honour to acquaint you, for the information of His Excellency the Governor, that I left this place on my tour of inspection of farms situate in the northern districts of this colony on 6th January, and after suffering considerable delay and inconvenience from the unpropitious state of the weather, and the impossibility of passing the many swelled rivers, I returned here on the evening of the 2nd instant.

2. The difficulties arising from the state of the weather during the month of January in each year are of such a nature that few persons, unless compelled by necessity, ever venture upon travelling.

3. That period of the year which in these latitudes would otherwise be insufferable from excessive heat is now become well known, and marked as producing every day the most terrific thunderstorms, frequently accompanied by heavy falls of hail. These storms arise without any exception every afternoon or evening, and deluge the country with rain, rendering travelling extremely unpleasant, and preventing travellers for days together from passing the most insignificant brooks on account of their depth and the rapidity of their course. The inconveniences, therefore, to which I have been subjected were very considerable, as I generally had to inspect farms in such nooks and places where the wagon could not approach; and not infrequently I have been compelled to ride fifty miles and upwards a day, away from the wagons, merely to inspect two or three

farms. I have, however, the pleasure to inform His Excellency that this tour has been attended with the most satisfactory results, and that I have throughout received an attention and witnessed a willingness, not only on the part of persons in authority, but even among the farmers generally, to register their farms and to conform to the present order of things in a manner which I had little anticipated from the reports which were current here prior to my departure. In my preceding letters of the 6th December, 1843, and the 5th January last, I informed His Excellency that the continued state of excitement in which the northern part of this colony was kept was chiefly owing to the intelligence that the "Brazilia" had again arrived at Delagoa Bay. Nothing could dispel the idea from the haunted imaginations of many of the farmers thereabout that this pertinacity of the adventurer Smellekamp to open a communication with them was owing to his having some important (and, of course, to them satisfactory) intelligence to impart.

4. This feeling gave rise to their withholding their claims to their farms and to the unsettled state of that district, which continued to increase to such an extent that in the beginning of the month of December last, Joachim Prinslo, Gert Rudolf, one Cornelius Coetzee, and a young Bezuidenhout, resolved upon starting on horseback to have a personal interview with Smellekamp, and to ascertain what intelligence he had to give them or what they had to expect from him. They arrived at Delagoa Bay about the middle of December, where they still found Smellekamp and the minister Ham (the wife of the latter having died in childbirth shortly before). The former then plainly informed them that the Dutch Government could not and would not afford them any protection; he also told them that the British Government had asserted sovereignty over the surrounding territory up to the 25° of southern latitude, and therefore pressed them to open a trade with him and the Dutch either there, at Delagoa Bay, at Sofala, or at some other place beyond that latitude. This declaration had the effect of at least opening their eyes to the delusion which he had so long been practising upon them; and after remaining only twenty-four hours at Delagoa Bay they again returned, bringing with them, however, the seeds of that fearful malaria, or endemic, which there carries off a great portion of the population every summer, and from the effect of which Joachim Prinslo died within a fortnight of his return home; Cornelius Coetzee did not even reach his home, but died at one of the remotest farms on this frontier; young Bezuidenhout was also seized with the same



malady, but recovered, owing to a young and vigorous constitution; while Gert Rudolf (whom I have met) seems to have escaped the infection, although his constitution is much impaired. They also lost every horse they had taken with them. The effect of this expedition (however disastrous in itself) has been at length to satisfy the obstinate and besotted that no protection or aid can be expected from Smellekamp or his sovereign, as the whole population has in consequence now settled down to an entire submission to Her Majesty's authority. Wherever I called, I have not only been received with becoming attention, but every facility was afforded me during the many long rides I had to make to inspect the farms. The claimants to the town lots at Weenen, and to the farms generally, were reported to me as I passed through the country, and these I have duly registered; at the same time availing myself of the opportunity generally to explain to the people the views and sentiments of Her Majesty's Government with regard to their institutions and country. These combined circumstances have thus been attended with the happiest results; everywhere new and better buildings are in progress of construction. Their wheat harvest has been most abundant, the season extremely favourable for their young stock, and by the unanimous admission of the principal inhabitants throughout the country they have but one complaint, which is the great insecurity they are living in from the inroads of the Bushmen banditti occupying the fastnesses of the Draaksberg, from whence it has hitherto been impossible to dislodge them, nor have they even succeeded in tracing their haunts or kraals. During the last twelve months they have carried on their attacks with great boldness and success, having carried away a large number of horses and horned cattle; the loss of the former having been very severely felt, as horses are still exceedingly scarce throughout the country. This subject should soon attract the attention of the Government; and a military station placed at one of the farms contiguous to the Draaksberg appears to me the only means of affording adequate protection to the inhabitants of those districts, who otherwise threaten to quit their farms if such security is not ensured to them as will enable them to live in peace.

5. I avail myself also of this opportunity to acquaint His Excellency that I devoted particular attention to the character of the country lying between the Tugala and the Umsinga (or Buffalo River), which by the treaty with Panda of the 5th October last has now become part of the Natal colony—and I cannot but state, of this

fertile and valuable \* \* \* colony, it promises to be the most valuable part. The crops which have been reaped by the few farmers settled there have been exceedingly productive. It is by far the most healthy part of the country for cattle; and coal is so abundant that in every river or stream the strata lie exposed, and every shower of rain, by filling these streams, throws off fragments which are picked up in the beds of the rivers. A number of farmers in the vicinity of Natal are already allured by the favourable aspect of this district, and are preparing to occupy various parts of it; it affords me, therefore, much satisfaction in assuring His Excellency that the inhabitants in those districts are in the enjoyment of every advantage which they could possibly desiderate; that they are themselves becoming fully sensible of these advantages, and that the foundation is now fairly laid for the future peace and welfare of this country, which I hope nothing will be able to shake or destroy.

6. I also made it my duty, during my progress through the country between the Tugala and the Umsinga (or Buffalo River), to communicate with several chiefs of small kraals occupied by refugee Zulus from Panda's or Dingaan's oppression, who have been allowed to reside upon those places on sufferance, but who had, in fact, considered themselves in some degree independent of all authority. I apprised them distinctly of the terms of the treaty with Panda, stating to them that if they wished it they had full liberty to return to Panda's country, that no compulsion would be used to drive them away, but that should they prefer remaining in this country they were hereafter to obey any lawful authority which in the name of the Queen might be established.

7. They universally expressed great horror at the very thought of returning to Panda's territory, stating they were perfectly content where they were, and would continue quiet and peaceable subjects; and it is but justice to them to add that every farmer in these districts has borne willing testimony to the honesty, fidelity, and peaceable disposition of all these Kafirs, without an individual exception, thus exhibiting a striking contrast with the predatory habits which the Kafirs about the Bay of Natal have acquired during the last twelve months from the unhappy and distracted state of the country.

8. By accounts recently received from Winburg, it now appears certain that a party of about fifty emigrant farmers, with sixteen wagons, left that place about the middle of the month of December last with a view to proceed to Delagoa Bay to fetch away the minister Ham. They appear to have taken a northerly route, and

after encountering many difficulties were stopped for some time by large rivers and an impervious country, where their cattle were destroyed by a species of bee or wasp (which abound in those regions during a particular season of the year), the sting of which is so dangerous as to drive cattle frantic, and in many instances to kill them. The party thus, after losing some weeks in vain efforts to pass through the country, have now returned without having had any communication with Delagoa Bay.

9. I should also acquaint you, for His Excellency's information, that from the unusually swelled state of the rivers and the jaded condition of my horses after my late tours of inspection, I have found it utterly impossible to continue these distant journeys during the present month. I am, therefore, reluctantly compelled to defer them till the beginning of the ensuing month, so that my labours here cannot be closed before the beginning or the middle of April.

10. I have still, however, several farms to inspect in the neighbourhood, and to visit some interesting spots with a view to fixing suitable locations for the Zulu Kafirs, respecting which I propose to address His Excellency in a separate report, as a continuation of the subject contained in my letter to you of the 10th November last.

These duties will fully occupy the whole of my time during the present month.—I have the honour, &c.,

(Signed) H. CLOETE, H.M. Commissioner.

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#### HER MAJESTY'S COMMISSIONER IN NATAL

(MR. H. CLOETE) TO THE HON. J. MONTAGU, SECRETARY TO GOVERNMENT.

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Pietermaritzburg, 14th March, 1844.

SIR,—I have the honour to acquaint you, for the information of His Excellency the Governor, that on the 30th November last a number of Kafir chiefs of small kraals situate on the right bank of the Tugala called upon me, stating that they had been informed that I had come here to investigate all claims to land, and that they, having been on sufferance on some lands claimed by Johannes de Lange and other persons on the Tugala, were desirous to be located among themselves, on a spot where they might reside without hindrance or interference from any one.

I committed to paper the most pertinent questions put to and answered by them on this important subject, and determined to



examine personally the spot mentioned by them as soon as my other duties would enable me to devote some days to that special object.

After the time had elapsed which I had fixed for receiving all claims to farms throughout this colony, it appeared to me advisable to proceed in the first instance to the district of Weenen, where the unsettled state of the people seemed to require my immediate attention. Having successfully terminated that tour in the beginning of February, I resolved to devote some part of the month to the inspection of the country mentioned by these Kafirs and the farms in that neighbourhood, while awaiting a reply to my letter of the 5th January last as to the necessity of visiting the chief Faku and Capaay, to the westward, before the close of my mission. I accordingly left this place on the 22nd, and on the 25th reached the district alluded to by these Kafirs. Its situation is one of awful grandeur and sublimity, surrounded by precipitous crags and mountains: it is only accessible by footpaths, and even then can hardly be used by persons on horseback; but the valley or rather the valleys below are beautifully wooded, and well supplied with water from the rivers, the Umvooti and Slambeetee. These streams unite at the lower end, and continue to extend those valleys until they are further closed in by a mountain range to the southward. The whole extent of these valleys united is not less than twenty-five or thirty miles in length, varying in breadth from a few hundred to a thousand yards. The country is not occupied by any of the emigrant farmers, and I can hardly conceive a more favourable situation for locating from 8,000 to 10,000 Zulus, under the charge of a responsible officer appointed by Government, who could easily superintend and control them. I shall probably have occasion to dwell more minutely on the advantages of this situation hereafter; and shall, therefore, now merely express it as my opinion that the wish of these Kafirs who called upon me should be attended to, and every encouragement given to their relatives and other Kafirs to join them in this settlement, whereby those districts which are at present swarming with them might gradually be cleared, and the excitement which continues to prevail on that subject would be considerably allayed.

I hurried my return, having been informed that the trials of Viljoen and Moolman would come on on the 29th, having expressed to His Excellency my intention to be present on the trial, which has since been brought on on the 13th instant, and has terminated in the acquittal of Moolman of the charge of murder or culpable homicide, and that against the Fieldcornet Viljoen for a breach of his instruc-

tions as fieldcornet, in having illegally called out a party of armed men, has ended in a division on the Bench—the heemraden having voted for his acquittal and the landdrost that he should be fined, which division, I am informed, will bring this matter in appeal before the Volksraad.

The Volksraad was assembled here on the 4th instant, in their ordinary quarterly sitting, when a memorial was again brought before them signed by the landdrost and some other inhabitants of Weenen, complaining of the continued influx of Kafirs and of the attacks of Bushmen.

The substance of this memorial was transmitted to me in the accompanying resolution, to which I sent an answer (copy of which I also enclose), which will show His Excellency how incessant people are here in their complaints on this subject. The fact is that they are kept in a state of constant excitement in consequence of the most malicious and wicked reports which from the worst motives are disseminated by a parcel of low wretches who endeavour by every means to keep up this restless spirit.

As proofs of this fact, I shall just state that during the last month the following reports were successively circulated with the greatest confidence and pressed upon my notice, and, despite my determined contradiction and the steps I took to undeceive everyone, were severally believed for a while, until the first having gradually been proved to be false, the second was invented, and by this succession of falsehoods the minds of the people have been kept unsettled for the whole month.

The first report, which was confidently announced to me as an historical fact, was that the Moolmans (father and son) had been murdered at the Umcomaas by some Kafirs in revenge for the attack made upon them. The unfordable state of the river prevented the possibility of contradiction for some time, so that some families were already so impressed with the truth that they had made preparations to quit their farms. No sooner was this falsehood at length established, but a report was raised and currently believed that Panda had sent in some messengers declaring war on account of his cattle not having been given up, and that his commando, or army, had approached the Tugala; when the agitation created thereby had again subsided, a third story was got up that one Joachim Prinsloo (a wealthy farmer at the Mooi River) had been robbed by the Kafirs of one hundred head of cattle, which had been carried off to Port Natal; and when at length this was also shown to be a pure invention,

another report came in circulation a few days ago that a like number of 100 head of cattle had been stolen by the Bushmen from Jan du Plessis, a wealthy farmer near the Draaksberg, the falsehood of which last report has not yet been established; but from this detail His Excellency may easily imagine how an ignorant and naturally restless population is kept under excitement by a most singular and artful contrivance, the authors of which I have not been able clearly to trace, although it is not difficult to guess who they are.

I was informed only a few days ago that the Volksraad in their late sitting had also adopted a resolution authorising the fieldcornets to give notice to such Kafirs as may have settled themselves down upon farms occupied since the 1st January to move, and upon their refusing to do so to destroy their huts and take their cattle to the pound.

I have requested and have just received a copy of that resolution, which I also take leave to transmit, upon which I shall feel it my duty to express to the Volksraad my opinion of the extreme danger of such proceedings, and that every such complaint should first be made the subject of judicial enquiry, and that such a summary authority to the fieldcornets should not be conceded.

I hope His Excellency will approve of thus treating with this subject, by which, even more than that of their lands (respecting which the excitement has in some degree passed away) the people are now kept constantly in a state of agitation in the manner in which I have above explained, and which nothing will effectually allay until one general, comprehensive system of locations for these vast numbers of Kafirs shall have been carried into effect.—I have the honour, &c.,

(Signed) H. CLOETE, H.M. Commissioner.

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#### DESPATCH FROM SIR GEORGE NAPIER

TO THE RIGHT HONOURABLE THE LORD STANLEY, SECRETARY OF STATE.

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Government House, Cape of Good Hope,  
16th March, 1844.

MY LORD,—I have the honour to forward herewith copies of various letters which have been received by me from Her Majesty's Commissioner and from the Commandant at Port Natal subsequent to the 22nd January, the date of my last despatch on the subject, as also copy of the minute of proceedings of the Executive Council thereon, and of the instructions which I have issued to the Commissioner and Commandant in consequence. The latter are subjoined to their respective communications.



These documents contain a great mass of information to which I anticipate I need not refer in detail; but I must observe that they, as well as the accompanying report of the Rev. A. Faure, the minister of the Dutch Reformed Church in Cape Town, whom I appointed to visit that settlement, show that the early appointment of some controlling power on the spot is highly requisite to put down the remaining symptoms of discontent, and to prevent the excesses which must always prevail amongst a people who have become accustomed to consider their own will as law, and many of whom are little inclined to obey magistrates of their own choosing, even if these should endeavour to act upon their presumed authority.

Your Lordship will also observe that I have allowed a salary at the rate of £100 per annum, payable from the Natal revenues, to the Rev. D. Lindley, who has for some time past officiated as minister at Pietermaritzburg; and as it appears that he is ready to subscribe to the regulations of the Dutch Reformed Church, to which the people belong, and to possess considerable influence in his sphere of duty, I earnestly recommend that the appointment be confirmed.

Mr. Lindley's character is free from the slightest suspicion of interference with the turmoils of the time, except in his endeavour to restrain the refractory; and as he has, notwithstanding, retained the confidence of his flock, he is likely to prove a more useful pastor than any other, and is perhaps quite as acceptable to the people as the minister from Holland who was recently prevented from joining them would have been. To the nomination to that cure at present of a native of Great Britain there would, I fear, be insuperable objections; and even if either of the young ministers in the colony who are waiting for appointments were willing to accept that at Natal, I should hesitate to send him thither, as the necessary experience for the management of the people would be wanting; and the uncourteous reception given in some instances to Mr. Faure himself, who is personally acquainted with many of the elder emigrants, proves that even a Cape colonist, a countryman of their own, is looked upon by many of them in no very favourable light. Under a regulated local administration the asperities will, I have no doubt, gradually subside; but I consider it in the meantime inexpedient, and wholly at variance with the benevolent views of Her Majesty, to give any cause for additional dissatisfaction, particularly on a point to which some importance is evidently attached.—I have, &c.,

(Signed)      GEORGE NAPIER.

## EXECUTIVE COUNCIL, 6TH APRIL, 1844.

In pursuance of a summons from His Excellency the Governor to that effect, the Council assembled this day at this office.

Present:—His Excellency the Governor and all the members.

John Moore Craig took the oaths as Clerk of the Executive Council. After prayers, His Excellency the Governor read to the Council the following minute relative to the present state and future care of the natives in the Natal territory, upon which he requested the opinion of the Council. \* \* \* \*

The Council having taken the subject into their consideration, are of opinion that the Rev. Alden Groot and Dr. Adams should be provisionally appointed to establish two Christian Missions among these people, leaving it to the judgment and discretion of the missionaries to determine either to labour in the same field or to arrange the respective localities of these missions and the field of labour to be assigned to each. The Council recommend that, as a temporary provision, His Excellency should assign a salary of £150 per annum to each, payable out of the Natal treasury, which sums should include all the expenses of erecting schools and other buildings requisite for the purpose of the mission. That the remuneration to be assigned to each be made payable from the date of their reporting themselves to Major Smith as ready to commence their labours as Government missionaries, and that the charge for the passage of the Rev. A. Groot from here to Port Natal should be defrayed from the same source.

The Council further recommend that His Excellency should sanction, as a temporary measure, and subject to the approval of Her Majesty's Government, the occupation by the mission of whatever unappropriated Government lands may be required for the purpose of supporting the natives assembled at those stations: that the instructions which His Excellency proposes to issue for the guidance of the missionaries embrace all points upon which it is practicable to instruct them; but it might tend to the success of the undertaking to impress upon the missionaries that, although they possess no civil authority to enforce law or to punish outrage, still they should employ the influence which they have acquired among the natives to prevent the Zulus from plundering the farmers, and to discourage the further emigration from Panda's territory, or any other not belonging to Her Majesty; and they should take special care that the natives who may place themselves under their charge shall only bring their own

property with them ; and in case the property of others is found in their possession, that their influence and authority should be exerted to cause the same to be returned to the rightful owner.

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LETTER FROM HON. A. MONTAGU TO REV. J. GROUT.

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Colonial Office, Cape Town, 10th April, 1844.

SIR,—With reference to your several interviews with and communications with the Government relative to the state and future care of the natives in the Natal territory, I am directed by the Governor to acquaint you that, as it appears that these people—the number of whom is estimated at 80,000 to 100,000—are totally disorganised, and liable to every species of oppression, and that allowing them to remain in their present unsettled condition would give rise to constant collisions between them and the white population, induce them to commit depredations on the latter, who would naturally retaliate upon them, and cause a state of things which would be most disastrous to both parties, His Excellency has been pleased to approve of the natives being placed under such superintendence as it is in his power to procure, a measure which seems to him to present the greatest advantages attainable under existing circumstances

In the present unsettled state of the Natal territory, His Excellency has no authority to grant lands for the occupation of the natives, nor to establish any civil government among them ; but being anxious that they should not be destitute of moral and religious instruction, and of the exercise of some salutary influence over them, His Excellency has determined, as a temporary measure, to establish two Christian Missions among them, to assign £300 per annum from the Natal chest for their joint support, which sum is to include all the expense of erecting schools and other buildings requisite for the purposes of these missions ; and as the Rev. Dr. Adams and yourself, who have both laboured as missionaries among them, and are well fitted for the work by your experience of the people and knowledge of the native language and habits, are willing to undertake these missions, His Excellency has been pleased provisionally to appoint you as well as that gentleman to the superintendence of the same, leaving it to yourselves either to labour in the same field together or to arrange between you the respective localities of these missions



and the field of labour to be assigned to each of you, as you may think proper.

Your remuneration, which has been fixed at £150 per annum, will be payable from the date of your reporting yourself to Major Smith as ready to commence your labours as Government missionary, and he will also be instructed to defray the charge of your passage to Natal if you will inform me to what it will amount.

Thus commissioned, you will receive the countenance and support of the Government while you adhere to the following instructions, of which Major Smith will be informed, with whom you will communicate on the subject on your arrival at Port Natal; after which you will gather around you such of the natives as you can persuade to form a peaceable settlement, and whom His Excellency will allow temporarily to occupy whatever Government lands are unappropriated—subject, however, to the approval of Her Majesty's Government.

It will be your duty to endeavour to teach the natives the truths of the Gospel according to the harmony of the Protestant confessions of faith, and to induce them to live in the practice of Christian morality. To this end, you must establish schools for old and young wherever suitable; and you will hold divine service every Sunday, and at such other times as you shall deem practicable.

You will bear in mind that you have no civil authority whatever to enable you to enforce law or to punish for outrage; but you must depend solely on the moral influence which you possess or may hereafter acquire over the natives.

You will not omit to endeavour to prevent the Zulus by every means in your power from plundering the farmers, and discourage as much as possible their further emigration from Panda's country, or any other not belonging to Her Majesty; and you will also take care that the natives who may place themselves under your charge shall only bring their own property with them; and in case you shall discover in their possession the property of others, you will use your influence and authority in causing the same to be restored to the rightful owners.

You will make periodical reports to this office of the state of things existing among the natives, and of the success of your labours.

You will also immediately report to Major Smith all hostile aggressions of any parties whereby the condition of the natives is affected, and all cases of serious crime among them.

You will be pleased to understand that the Government holds

itself at perfect liberty to make any alterations in these instructions, and in the scheme to which they relate, according as the changing circumstances of the Natal territory, or of the natives themselves, shall require; and it must be distinctly understood that the whole arrangement is purely of a temporary nature.

(Signed) JOHN MONTAGU.

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#### LETTER FROM HON. J. MONTAGU TO REV. DR. ADAMS.

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Colonial Office, Cape Town, 10th April, 1844.

SIR,—The Governor having been informed that you are willing to become a Government missionary among the native Zulus in the Natal territory, I am directed by His Excellency the Governor to acquaint you that he has accordingly been pleased to appoint you to such an office upon the same terms as those on which the Rev. Alden Grout has been appointed to be your co-missionary, and which are contained in the letter of instructions which I have this day addressed to him, a copy of which is herewith inclosed for your information and guidance.—I have the honour, &c.,

(Signed) J. MONTAGU.

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#### ADDRESS TO THE HON. HENRY CLOETE, LL.D., HER MAJESTY'S COMMISSIONER.

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[From the "Zuid Afrikaan" (Cape newspaper), 17th May, 1844.]

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Pietermaritzburg, 11th April, 1844.

HONOURABLE SIR,—We, the undersigned, inhabitants of Natal, having heard of your approaching departure to the Cape Colony, cannot allow such an event to take place without not only presenting to you our cordial thanks for your general politeness and attention shown to us, but we should consider ourselves particularly neglectful if you had left us without the expression of our gratitude, and we rejoice at the apparent good done by your Honour for the inhabitants of this country.

That your work has been a difficult one, and not free from personal danger, is evident to every man of information amongst us. At the same time, we rejoice that your Honour has fulfilled your

mission in every respect as a man of honour and a Christian. In short, your presence has brought this territory into a state of tranquillity. We cannot part from your Honour without mentioning our conviction that, had your message to this country been made at an earlier period, many of the untoward circumstances which have occurred at Natal would have been prevented. We shall not, however, now complain of what could or should have been done. The Almighty God be thanked that those have gone by, and, if not forgotten, are forgiven by all.

We still sustain the hope that we shall again have the pleasure of seeing your Honour among us in an official capacity, by which we shall be enabled to reap, as we have already done, the harvest of your abilities and of your affection for us.

Your Honour, however, will depart from us with the esteem and respect of every well-disposed person, and, what is more, with your own consciousness that you have fulfilled your duty and administered justice to each of your countrymen.

May your Honour have a prosperous and agreeable voyage homewards to your family, from whom your Honour has been so long separated while in our service; and in the hope to welcome your Honour soon again, we have the honour to subscribe ourselves, with the greatest respect,

Honourable Sir,

Your Honour's obedient servants,

(Signed)	J. P. ZIETSMAN,*	J. P. MULLER,	G. WINDER,
	P. F. R. OTTO,	THOS. SHEARS,	P. H. ZIETSMAN,
	A. COQUI,	H. DE LANG,	H. G. MUNTINGH,
	B. POORTMAN,	W. WILSON,	L. BADENHORST,
	J. C. BOSHOF,	M. J. POTGIETER,	J. S. ZIETSMAN.
	W. H. v. AARDT,		

#### DESPATCH FROM SIR P. MAITLAND

TO THE RIGHT HONOURABLE THE LORD STANLEY, SECRETARY OF STATE.

Government House, Cape of Good Hope,  
12th April, 1844.

MY LORD,—I have the honour to transmit herewith a letter from Mr. Cloete, Her Majesty's Commissioner at Natal, reporting the result of his enquiries into the claims made to land at Pietermaritz-

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\* Landdrost of Natal.



burg, and also two from Major Smith, showing the state of feeling amongst the emigrant farmers on their respective dates.

I beg to add that these are the only communications of any importance received by my predecessor from Natal and which were not forwarded by him to your Lordship before my assumption of this Government.—I have the honour, &c.,

(Signed) P. MAITLAND.

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SIR P. MAITLAND TO THE RIGHT HON. LORD STANLEY.

Government House, Cape of Good Hope,

13th April, 1844.

MY LORD,—I have the honour to enclose herewith, for your Lordship's information, a letter from Her Majesty's Commissioner at Natal, reporting a favourable change in the sentiments of the emigrant farmers, in consequence of an interview which some of them had with the adventurer Smellekamp at Delagoa Bay, and representing the insecurity of the settlers in the Weenen district from the depredations of Bushmen, as also the value and fertility of the tract of country ceded by the Zulu chief Panda under the treaty with him which was submitted to your Lordship by my predecessor's despatch No. 6, of the 22nd January last, and giving further a few particulars respecting the natives who have located themselves on the lands so ceded.

To this letter is annexed a copy of the reply which I directed to be sent to Mr. Cloete, from which your Lordship will observe that his return to Cape Town may be expected at an early date.

I have the honour, &c.,

(Signed) P. MAITLAND.

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SIR P. MAITLAND TO THE RIGHT HON. LORD STANLEY.

Government House, Cape of Good Hope,

13th April, 1844.

MY LORD,—I have the honour to submit for your Lordship's consideration the accompanying report from Her Majesty's Commissioner at Natal in regard to the land at Pietermaritzburg stated by the resident Engineer Officer to be required for military purposes; as also his report upon land claims in the district of Weenen, situate within the Natal territory, about 70 miles north of Pietermaritzburg.

I have the honour, &c.,

(Signed) P. MAITLAND.

## REPLY OF THE HON. H. CLOETE, LL.D.,

HER MAJESTY'S COMMISSIONER AT NATAL, TO THE GENTLEMEN WHO  
FORWARDED AN ADDRESS TO HIM PREVIOUS TO HIS DEPARTURE.

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Port Natal, 23rd April, 1844.

To J. P. ZIETSMAN, Esq.,

And other Gentlemen at Pietermaritzburg.

SIR AND GENTLEMEN,—I have the honour to acknowledge the receipt of the address signed by you, conveying your approbation of the manner in which I have acquitted myself of my difficult task at this place, and expressing your good wishes for my future welfare. These expressions of approbation from some of the most respectable inhabitants are doubly agreeable to me, as they convince me that you were not insensible of the difficulties with which I had to contend in bringing this fine colony to its present state of tranquillity. It would have cost me little to have soothed the feelings of a number of persons by flattering promises or expectations; but I was always sensible that it would be far better not to depart in any way from the instructions with the execution of which I had been entrusted; and that, however disagreeable it might have been, it was nevertheless more advisable to leave the inhabitants of this place in general for a further space of time ignorant of the most important points connected with the government of this country than by any presumptions or expectations of myself to expose Her Majesty's Government to discontent or opposition when the time shall arrive that the resolutions of the Government must be put in force.

In taking leave, therefore, I hereby earnestly request that you will yet for a short time patiently await Her Majesty's decision in respect of all the institutions of this country, resting assured that it will tend to place the welfare and happiness of this country on a fair and lasting foundation; and receive herewith from myself, with the most anxious care for your well-being, the assurance that, wherever I may find myself, nothing will be more agreeable to me than to co-operate in promoting the happiness of this country.

I have the honour, &c.,

(Signed) H. CLOETE, H.M. Commissioner.

## DESPATCH FROM LORD STANLEY TO SIR P. MAITLAND.

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Downing-street, 25th May, 1844.

Lient.-General Sir P. MAITLAND, K.C.B., &amp;c.

SIR,—Your predecessor's despatches of the 1st December and 22nd January have received the fullest consideration from Her Majesty's Government; and although I am not in a condition to furnish you with definitive instructions upon all the points to which they refer, I deem it advisable not to delay communicating to you the views which we take upon those questions which seem more immediately to require and upon which I am able to announce a decision.

I am happy to have it in my power to convey to you Her Majesty's sanction for including in the amnesty for past offences the names of Mr. Michael van Breda and Joachim Prinslo; and I trust that this extension of Her Majesty's clemency to two persons who had taken so leading a part in the base transactions will confirm them in the more loyal course which they have recently adopted, and lead them to use the influence which they possess with their fellow-countrymen for the maintenance of dutiful allegiance to the Sovereign and obedience to the law. I regret that the report received by your predecessor from Mr. Cloete does not warrant me in recommending to Her Majesty a similar extension of mercy towards Servaas van Breda and J. J. Burger.

Her Majesty's Government have carefully considered the question how far it may be possible to constitute the territory of Natal a separate and independent Government, wholly unconnected with the Cape of Good Hope, and communicating directly with the Home Government. This entire separation is asked for by the memorial of the Council at Pietermaritzburg, and recommended by Mr. Cloete and the Council at the Cape. Her Majesty's Government are of opinion, however, that for the present, at least, it would not be advisable to accede to this proposition, though supported by such concurrent authorities. They are of opinion that it may be perfectly practicable to separate the Colony of Natal from that of the Cape for all judicial, financial, and executive purposes, but subject to certain important modifications which it will be my duty to state to you. They think that the legislative powers must be for the present retained in the hands of the Governor and Council at the Cape, and that communications from Natal to the Secretary of State should continue to be



transmitted through you. The present position of the Natal district is peculiar. Independently of the circumstances which have led to the formation and adoption of the settlement, the population widely scattered consists of a great variety of races of different degrees of intelligence and civilization, and influenced by very different views and habits—English, Dutch, Kafirs, and no inconsiderable number of Zulus and others—who are either natives of the soil or who have fled from the tyranny of neighbouring native chiefs to the comparative security of a district placed, however imperfectly, under British protection. It does not appear to us possible in such a community so circumstanced to frame a local Government which should fairly represent the interests of all these various and often conflicting parties, do impartial justice between them, and be competent to undertake and carry on the business of legislation, in reference not only to the domestic but to the external affairs of the colony. Nor do we think that in its present state the colony would have either the power or the will to bear the expenses incident to such an independent Legislature. Besides, the affairs of the whole of South Africa are so intimately connected together, they have so much community of feeling, and so many interests in common, that it appears very desirable that the Secretary of State, in carrying on correspondence at so great a distance, should have the advantage of the advice and assistance of the Governor of the Cape, and that he should be invested with the power of exercising the same species of control over the neighbouring but inferior colony which he now exercises over the Lieutenant-Governor of the Eastern Districts, or which the Governor-in-Chief of the Windward or Leeward Islands in the West Indies exercises over the Lieutenant-Governors of the subordinate colonies. Such a subordination tends to facilitate the transaction of public business, to render unnecessary many references to the Home Government, and to produce uniformity and concert in the administration of colonies whose interests are necessarily intimately connected with each other.

I do not think I can more strongly illustrate the difficulties which present themselves in the formation of a local Government than by the enumeration of the various proposals submitted for the consideration of Her Majesty's Government. The Council of the Boers ask for a legislative body to consist of twelve persons, to be elected by the inhabitants. Mr. Cloete dissents from this proposition, and stated as his reasons "that a Council so constituted would fail to secure an efficient government, and would introduce a most

chaotic assemblage of legislators ; that throughout the whole country, in its present state, twelve persons could not be found competent to undertake by themselves the duty of legislation ; but should a Council be formed of twelve persons of ordinary talent and capacity in the manner proposed, unassisted by professional or official persons, and only with the Governor at their head, the latter would soon find himself surrounded by persons who would form themselves into a party opposed to every measure of government, or the former would sink into mere automata."

He then suggests that the Council should be composed of twelve persons of whom eight should be elected for three districts, into which he proposes to divide the colony, and four should be nominated by the Crown.

The Council at the Cape recommend that the Council should consist of six persons, all of whom should be nominated by the Crown.

Her Majesty's Government do not think that any of these proposals would effect the object of securing a legislative body which would give contentment to the settlers, or carry on harmoniously and efficiently the administration of the affairs of the colony ; and they are of opinion that for some time, at least, the chief legislative power should rest in the Colony of the Cape.

In conformity with this decision, it will rest with you to submit to your Council such legislative measures as may be requisite for carrying into effect the scheme of government for the territory of Natal which I shall proceed to explain to you. But in the first place it may be desirable that, adverting to your predecessor's despatch No. 6, of 22nd January last, I should signify to you Her Majesty's pleasure as to the limits which should for the present be assigned to that territory. On the north-west many considerations combine in recommending that the great natural boundary of the Drakensberg or Quathlamba Mountains should be adhered to, and that communications with the interior beyond those mountains should be discouraged, and as far as possible prevented. Her Majesty's Government cannot be held responsible either for the conduct or for the protection of such of her subjects as may think fit to migrate into the interior ; but it will be the bounden duty of the authorities of the Natal territory to prevent any such migration of an armed or predatory character. The peace of the frontier requires that the passage of the Drakensberg to or fro should be carefully watched ; and I apprehend that the natural

features of the country will give facilities for such supervision. On the north-east, I see no reason to dissent from the terms arranged between Mr. Cloete and Panda, chief of the Zulus, whereby the Tugela from its mouth to its junction with the Umzimyati (or Buffalo River), and thence up that river to its source in the mountains, is constituted the boundary of the two States. The documents in my possession do not enable me to define with accuracy the boundary which should be assigned to the new colony on the south-west. One of the many rivers which appear to flow in a parallel direction from the mountains to the sea should obviously be selected; and care must be taken not to extend the frontiers westward, so as to include any district actually possessed and occupied by well-established native tribes. Subject to this limitation, Her Majesty's Government are prepared to entrust to your discretion the definition of the south-west boundary of the colony; and having decided this point, with the advice of your Council and the aid of such local information as you can obtain, you will signify the limits assigned to the new colony by proclamation in the name of Her Majesty.

I do not disapprove of the cession made by King Panda of the Bay of St. Lucia for the purpose for which it was made, namely, that of obviating the possibility of interference on the part of any other European Power, or any body of adventurers; but you will distinctly state to Panda that it is not intended to form any settlement there; and you will strictly prohibit any of Her Majesty's subjects from occupying any land or forming any establishments to the eastward of the Tugela.

I foresee the risk of considerable embarrassment from the influx which may probably take place into the newly recognized British territory of fugitives from the tyranny of Panda, endangering, should they arrive in such numbers as are now thought probable, the internal peace of the colony, and possibly provoking aggression by the Zulus upon a frontier which at present and for some time must be comparatively defenceless. On this subject, however, and on the general conduct to be pursued towards the large body of natives now within the colony, I propose to address you in a separate despatch.

I propose also to reserve for separate consideration the important question—for which, however, you may expect to receive early instructions—of the claims to land, the titles to be granted, and the conditions on which lands shall now be held or shall in future be disposed of. I will only say at present that Her Majesty's Government are disposed to consider favourably the fair claims of individual



settlers, so far as they can be reconciled with the object of preventing an extensive dispersion of the community, injurious to civilization and good government, and of providing for future and possibly extensive immigration, whether from the Cape or from this country.

I have stated the opinion of Her Majesty's Government that the legislative power, so far as the general affairs of the country are concerned, should be vested in the Council under your direction; and, generally speaking, I deem it expedient that the criminal, civil, and commercial ordinances of the Cape Colony should be in force in the Natal district. It will, however, be desirable that the officer to be appointed as Lieutenant-Governor should be aided by an Executive Council, consisting of not more than five members, who should have power to recommend to you such exceptional laws as they may think fit to suggest for the government of Natal, on which you and your Council will exercise your judgment.

Subject, however, to the general superintendence of the Cape Legislature, I am inclined to think that the wish of the Natal colonists may be to a great measure complied with by the formation of local bodies invested with extensive jurisdiction within their own districts, and with powers of making bye-laws for the regulation of their local affairs. I enclose to you, rather in illustration of the object which I have in view than as a model which should be closely copied, the enactments of the British Parliament with respect to local municipal bodies in New South Wales, and those of the Canadian Legislature for establishing similar bodies in that province.

You will observe that to these bodies is conceded a considerable power of legislation and taxation, for constructing and maintaining public roads, bridges, and public buildings generally throughout the districts; for the purchase and sale of real property, and the superintendence and management of all property belonging to the districts; the maintenance of parish and township schools; for regulating the payment of salaries, &c., to district officers; the maintenance of an effective system of police; in short, for almost all the objects of primary importance to a young community.

I wish you to consider with your Council the propriety of extending any or all of these powers to local boards to be constituted on similar principles in the Colony of Natal, and to pass such an ordinance as you may deem best fitted for carrying that object into effect.

I conceive that power should be given to the Lieutenant-Governor to specify the boundaries of districts over which the power of each

local board should extend, and from time to time to alter these limits, and to form new districts, as fresh towns or villages spring up, which may form each the nucleus of a sufficient population to authorise and to maintain a separate establishment. For the present, I apprehend that two, or at most three, such districts would be sufficient: one at Pietermaritzburg, one at Natal, and one in a district called Weenen by Mr. Cloete, which I understand to lie to the north-east, but with reference to which I am not in possession of much information.

Nor is it necessary that the constitution of the governing body of these districts should be in all cases the same. On the contrary, I think they may be usefully varied with reference to the habits, language, and wishes of the bulk of the population who are destined to live under them. Pietermaritzburg and the adjacent country will probably be occupied principally by a population of Dutch descent, attached to institutions which they long possessed at the Cape, and of which they have constantly regretted the discontinuance. I see no reason why these national preferences should not be indulged and the wishes of the Volksraad in great measure complied with by the institution of the offices of landdrost and heemraden, with extensive municipal and limited judicial functions.

In the district around Port Natal, on the contrary, the population will probably be mainly of English descent; and in that district a municipal body, popularly elected, may perform the functions allotted elsewhere to the heemraden. I should deem it indispensable, however, that the landdrosts and the chief authority in the municipal bodies should be nominated in the Crown, as provided in the case of similar offices in Canada by the Canadian Legislature, and in New South Wales by the Imperial Legislature—though in the former case I should not hesitate to limit the selection to persons holding a certain property qualification and conversant with the Dutch language.

I think it also necessary that the Lieutenant-Governor should be able to understand and speak Dutch, and hear in person any representations which may be made to him by those under his government.

It must be distinctly understood that each of these districts—whether through the landdrosts or through the municipality—will be empowered and expected to provide, by local assessment or otherwise, for all expenses of a purely local character, including the administration of justice, to such an extent as may be entrusted to them. They will have power to impose taxes on all land not in the

possession of the Crown within the district over which they preside, and to apply the proceeds to local objects.

Her Majesty's Government will not be indisposed, with a view of relieving the local assessments and increasing the fund for local objects, to make over to each municipality which may be constituted a limited amount of land in the immediate vicinity of the town—reserving, of course, in every case such portions as may be required for military purposes. I am not prepared to state the extent to which this principle may be carried; but I cannot hold out the smallest expectation that Her Majesty will be advised to recognise the claim to the vast extent which is put forward by the Volksraad, amounting, according to Mr. Cloete, to one hundred or one hundred and fifty square miles.

It will be necessary to provide for the management of the lands of the municipalities by bye-laws to be sanctioned by the Lieutenant-Governor.

I am disposed to concur with Mr. Cloete in opinion that it will not be practicable to entrust to such a court of appeal as is contemplated by the memorialists the highest judicial powers in matters civil or criminal; and I think his scheme of the establishment of a single judge, holding alternate courts at the principal town or settlement of each municipal district, ought to be adopted. From the decision of any such judge an appeal ought, perhaps, to be to the Supreme Court of the Cape.

The revenue of the Province of Natal would be either general or municipal. So far as it was municipal, it would arise from local rates and assessments, and would be applied to the local exigencies of the district. So far as it was general, it would result from customs and other taxes, affecting alike the whole society. That general revenue must be applied to general purposes, and especially to the maintenance of the executive government, the judicial establishment, and the revenue establishment of the entire province.

Her Majesty is willing to confirm and sanction all the provisional appointments which have hitherto been made to public offices in Her Majesty's service in Natal. If the general revenue should prove inadequate to the support of those offices, their number or their emoluments must be reduced. I can hold out no prospect that any deficiency would be supplied from the revenues of the Kingdom. To the same general fund—viz., the general revenue—the local Government must look for defraying the expenses of the public works and buildings which the exigencies of society may



require. The consequence must, of course, be that for a considerable time to come such works must be upon a scale of great moderation, and in many cases inadequate to the ends for which they may be required.

In order to carry these general views into execution, it will be necessary that various laws should forthwith be promulgated by yourself, with the advice and consent of the Legislative Council of the Cape of Good Hope, and that all requisite instructions should be addressed by you to the Lieutenant-Governor of the Province of Natal.—I have, &c., (Signed) STANLEY.

#### DESPATCH FROM LORD STANLEY TO SIR P. MAITLAND.

Downing-street, 25th May, 1844.

Lient.-General Sir PEREGRINE MAITLAND, K.C.B., &c.

SIR,—Referring to my despatch of this date on the subject of Port Natal, I think it right in this separate communication to direct your attention to the importance of taking every practicable measure for securing the occupation to persons of British birth of the territory immediately adjacent to the port or harbour of Natal, and of the territory within the Weenen district. As far as Dutch settlers can be excluded from those territories without injustice to them, or affording them any just cause of complaint, it will be sound policy to promote their exclusion.

It will also be important to prevent, as much as may be practicable, the resort of the native tribes to the province; but as it may be impossible entirely to prevent this, every safe measure should be taken to induce such of the natives as may settle there to take up their abode within the districts occupied by the English settlers, and at as great a distance as possible from the frontier.—I have, &c., (Signed) STANLEY.

#### HER MAJESTY'S COMMISSIONER, NATAL

(MR. H. CLOETE) TO THE HON. J. MONTAGU, SECRETARY TO GOVERNMENT.

Cape Town, 30th May, 1844.

SIR,—Having this day completed and addressed to you, for the information of His Excellency the Governor, my report upon all the farms *bona fide* occupied in the territory of Natal, together with a volume in which a full entry has been made of each particular farm,

I have the honour to state that this work appears to me to fulfil the duty which, under the instructions of Her Majesty's Government, I was principally required to perform by virtue of my appointment.

I cannot, however, but submit to you for His Excellency's consideration that in the course of my enquiries the claims to other lands not coming under the above class have been so strongly urged upon my attention, and the political and physical state and character of the Natal country appear to me so little understood, that I should conceive I had inadequately accomplished the object of my mission if I withheld from Her Majesty's Government the information which I have gathered on these subjects, and I shall therefore crave the liberty of communicating to you in the ensuing month the views which I find myself called upon to submit for the consideration of His Excellency the Governor and Her Majesty's Government on these topics.

Having also been informed that the holding of my present situation may be considered as clashing with my appointment as a member of the Legislative Council, and thus inconvenience might arise to the public service, I beg leave herewith to resign my office as Her Majesty's Commissioner for the Territory of Natal, trusting that His Excellency will be pleased to have in consideration the labours I am still anxious to devote for the benefit of Her Majesty's Government by making such an allowance to myself and my clerk as the nature and importance of those duties may seem to justify.

I have the honour, &c.,

(Signed) H. CLOETE, H.M. Commissioner.

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HER MAJESTY'S COMMISSIONER, NATAL,

TO THE HON. J. MONTAGU, SECRETARY TO GOVERNMENT, CAPE TOWN.

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Cape Town, 30th May, 1844.

SIR,—In transmitting to you, for the information of His Excellency the Governor and of Her Majesty's Government, the accompanying volume, comprising the list of all such farms as from actual inspection and from the examination of witnesses I have found myself warranted in certifying as having been *bona fide* occupied in the territory of Natal, it will be necessary to give a short account of the tenure and extent to which these lands are held by the present claimants, in order to enable Her Majesty's Government to judge of the expediency of confirming or altering their sites and extent.

In the year 1835, a few British settlers who had collected round

the Bay at Port Natal, first formed the semblance of some local government by the appointment of a committee of management of their affairs, who became authorised to levy certain taxes and to perform some public duties, and who were also recognised as having the right to distribute and grant land in freehold among themselves.

Under this authority they proceeded to make some grants at the Port and along the range of the Berea Hills—restricting, however, the grant of farms along these hills to an extent of 3,000 acres to each individual. The boundaries of these farms were never measured nor even clearly defined, but only took in such a tract of land as appeared to each party to approximate to an area of 3,000 acres, only taking care not to encroach upon each other.

In the year 1838, however, an insane attack was made by a large proportion of the British settlers then settled at Natal, at the head of a number of natives, upon Dingaan, when they were destroyed almost to a man, and their properties were thus left abandoned. Some were subsequently sold under the authority of the Volksraad: and of all those farms only two were found by me to have been regularly occupied, and are entered accordingly at the end of the accompanying volume; the others will be more particularly found in a subsequent report which I shall soon have the honour to transmit, containing a list of farms which have been partially occupied.

About that time the emigrant farmers firmly established themselves at Pietermaritzburg, and formed a government which exercised jurisdiction over the whole of the Natal territory, and to which the British settlers also yielded submission. The impression having generally prevailed that by the withdrawal of the troops stationed there for a time, under the command of Captain Jervis, of the 72nd Regiment, the British Government had determined to give up all interference with the affairs of Natal, and seemed inclined to leave them to their own self-government, a land board was soon established, to whom the duty was entrusted of receiving all claims to land throughout the Natal territory. These were first noted in a registry book, where priority of entry gave preference of choice to the lands claimed; it having also been declared that each of those emigrants who had entered the Natal territory prior to the year 1838 would be entitled to two farms and one erf or building lot, at the town of Pietermaritzburg, Weenen, or Port Natal. These books of land claimed were soon filled by the numerous applicants for farms, and upon an inspection of the same I found that no less than 1,800 had been so entered therein. In many instances the applicants



followed up their assumed right to the lands claimed by taking possession; but in by far the greater number of cases the parties found it advisable, in the insecure state of the country, to congregate together on some farms which appeared to be favourably situated for defence, or at Pietermaritzburg; and on the most of these farms some mound or square was formed, to which upon the first alarm they always retired. The subsequent hostilities which broke out with Her Majesty's troops made them still more apprehensive of the Kafirs, who were daily flowing in from the Zulu country in alarming numbers; and from the combination of these circumstances very few farms had the advantage of being permanently occupied or extensively cultivated, the occupiers having been content in the far greater number of cases to depasture them with their herds of cattle without laying out much labour or expense in the cultivation of the soil or in the erection of buildings.

The claims of the applicants having been noted, for which a fee of a few shillings was exacted, were thereupon referred to two inspectors appointed in each district, who, together with the field-cornet (if he did not happen to be one of the inspectors), held a minute survey of each farm, appointing all parties interested, and defining the boundaries, taking as much as possible some natural landmarks or rivers as the limits between the adjoining places; one of the title-deeds of such a farm, hereunto annexed, will best show the manner in which these boundaries were defined. Not having had the aid of a surveyor (in fact, there is not one in the country), it was impossible for me to test clearly the extent thus granted to each farm; but by a law enacted by the Volksraad on the 14th April, 1841, entitled "a law for fixing the right of burghership and the possession of land and fixed property in the territory of Natal," it was clearly laid down that of right no farm should exceed the extent of three thousand morgen (or, in round numbers, 6,000 acres); although in many, and even I should say in most instances, as far as I have been able to form an approximate estimate, I have reason to believe that the area granted to most farms, where the extent has not been clearly certified to be less, will be found upon a regular survey to exceed the amount of 3,000 morgen.

Upon the report of the inspector or field-cornet being thus transmitted to the land board, a further critical investigation took place of any adverse claims or servitudes which it might become necessary to impose upon the land; and after these enquiries were satisfied, a regular grant in writing or in a printed form was issued

to the parties upon payment of a fee of, I believe, £1 10s., exclusive of the fees for the inspection of the farms which were paid to the inspectors. In this shape about 500 farms were inspected, reported upon, and granted by the Volksraad, until the month of October, 1842, \* \* \* when the Commandant of Port Natal, having had his attention drawn to the "Republican and Independent" title under which these grants were issued, forwarded a notice to the Volksraad interdicting any further issues of such grants, and from the dates of the title deeds laid before me none appears to have been issued after that date.

The unsettled state of the country, and the apprehension of some hostilities taking place, constantly caused an almost total cessation of public business. Few farms were even inspected during the last two years, and the emigrant farmers continued in a state of uncertainty occupying these few farms, upon which three or four families generally settled themselves down, leaving several farms which they had begun previously to occupy abandoned, or only occasionally occupied by depasturing their cattle upon them.

From such a state of the country it arises that, after minutely investigating the nature, extent, and manner in which their farms were occupied, I felt myself justified in certifying only one hundred and ninety-eight farms as appear to me to have been occupied in the terms of the proclamation of the 12th May, 1843.

It will not be necessary to go into details of the nature of occupation of each farm. They are fully set forth in the accompanying volume, which contains as it were the history of each separate farm, attested by the statement of the claimant himself, or of some person duly authorised by him to make such statement.

The only point which it will be necessary to explain more generally is the difficulties of making these enquiries. It is clear that in every case in which a claimant showed that he had lived upon, built, and cultivated his farm during the twelve months prior to my arrival in the territory of Natal, there was no difficulty of coming to the simple conclusion that such a farm had been occupied under the provisions of that proclamation; but in the investigation of many cases it became necessary for me to endeavour to define with precision, and with reference to the particular nature of each case, what may be said to constitute a farm *bona fide* occupied in the terms of Her Majesty's instructions.

It appeared to me just and reasonable to infer that actual residence upon a farm was not required, or those terms would have

been used ; and from the nature and habits of the people, from the character of their agricultural and pastoral pursuits, and from the very physical state of many of these farms, which are only fit for depasturing cattle, I was driven to the conclusion that a continuous and permanent occupation of the land, either by residence, cultivation, or by regular depasturing of cattle, would constitute and answer to the *bona fide* occupation mentioned in Her Majesty's instructions.

Having come to this conclusion, I made in every case a most searching enquiry, either by personally examining the spots, or by the evidence of competent and disinterested persons, as to the nature and extent of the occupation alleged by the claimant ; and whenever the result of my enquiries led to confirm the accuracies of their statements, I have entered them in the present volume, which contains the list only of such farms respecting which no doubt existed in my mind ; and I have availed myself of the liberty afforded me under the authority granted by his late Excellency, Sir George Napier, as communicated to me in your letter of 6th October, 1843, to class under separate heads all such farms respecting which any doubt remained either as to the character and period of occupation, or as to such respecting which the claimants only showed that they had become *bona fide* purchasers, but without having occupied their farms in any way whatever.

Another difficulty which I experienced was to ascertain the extent of cultivation, or the quantity of cattle which each individual farmer had kept upon his farm. Upon these points I soon found it utterly impossible to arrive at any just conclusion—in fact, that the result of every enquiry would only tend to mislead or embarrass. No farmer is ever capable of making even an approximating guess of the quantity of land he has under cultivation.

In the infant state of the Natal Colony, owing to the want of markets, and the dangers attending life and property, the extent of land found by me under cultivation on each farm has been comparatively small. From thirty to forty acres may be said to be the largest extent ; but, independent of these farms, cultivated with barley, wheat, oats, Indian corn, or maize, every farmer has his kitchen garden (although of small extent) whenever the leading out of water ensures a regular supply of water ; but in very many cases, especially in the northern district of Weenen, there are comparatively few places where land can be irrigated—the depths of the beds of the rivers there rendering it difficult, if not impracticable, to lead out the water. Those places are thus reduced to simply grazing



farms, where no cultivation could advantageously take place, or where the crops would be so endangered to be trampled down and destroyed by the cattle as to render it inexpedient to incur the trouble and risk of sowing upon such farms.

I found it equally impossible in regard to those farms to form anything like a correct estimate of the cattle kept upon each farm. The occupier or claimant of such a farm may have but a small herd belonging to himself, and yet several hundreds belonging to farmers from other districts were found in many instances depasturing on their lands. This is, in fact, frequently and almost universally done among them, with a view of changing the pasture, as the best means of checking disease or mortality among their cattle; and I soon found it not only impossible to pursue such enquiries, but that these would be entirely valueless, as every claimant was clearly made to understand that in no one instance would he be deemed entitled to claim an extent beyond 3,000 morgen—that being the extent which, by common consent of the whole community, had been considered the maximum of the extent of such farms—and that even in many instances a reduction must take place where the proximity of farms to each other renders it impracticable to grant to each the full extent of the farms claimed by them.

These results will, however, only be found when surveyors regularly appointed shall begin to ascertain the true limits of each farm, and until such time it will be sufficient (it strikes me) for Her Majesty's Government to declare (with reference to the extent of each farm as claimed by the present occupiers) that in no one instance is that extent to exceed 3,000 morgen; and even in such cases where the distance of two or more farms asunder may admit the possibility of each receiving that full amount or more, I would take leave to submit that an equitable reduction should be made by the Government, keeping in view that, in deciding upon any conflicting claims, preference should not be allowed to whomsoever may hold a grant or title deed, but to him who either by himself or his predecessor may have been the oldest occupier of one or other of the farms in dispute.

The next point for consideration with Her Majesty's Government, will be the tenure under which these farms are to be granted. Upon fully weighing that subject, I see no reason for differing from the opinion already expressed by me in my report dated the 8th September, 1843, accompanying the address of the Volksraad, touching their political and judicial institutions, in which I took leave to

recommend that these farms should be granted in perpetual quitrent. I would only beg to add that it appears to me desirable to allow all claimants of farms the liberty to redeem that tenure and to convert into freehold upon the payment of some years of quitrent.

The reasons for my recommending the tenure of quitrent are :

First. That it is the tenure which in fact, although not in name, the emigrant farmers had themselves introduced. They called it "freehold," but made every proprietor of a farm liable to the payment of an annual ground rent of 18s. for every farm of 3,000 morgen, and to an increased rent according to the greater number or extent of farms owned by every proprietor, which thus amounts to a quitrent proportionate to the extent of land occupied by every tax-payer.

Secondly. Another cogent reason which I submitted for the consideration of Her Majesty's Government was, that by the imposition of one round sum as a fine upon receiving a grant in freehold of such an extent of land, such fine, to be at all productive, would be above the means of most of the occupiers of farms, and would thus give rise to much discontent ; while an annual quitrent payable out of the profits or produce of each farm is easily borne and paid without inconvenience.

I am, however, of opinion that the nominal quitrent as hitherto paid under the law of the Volksraad is far too little, whether taking into consideration either the value or the extent of the grants or the fact that the Government of that colony will have mainly to look to the payment of this quitrent as a regular and permanent source of revenue to meet the expenditure. I would, therefore, beg to propose that a sum of £2 10s. should be paid annually as the quitrent to be fixed on these first or original farms—making, however, that quitrent redeemable, and allowing these farms to be converted into freehold upon payment, in advance, of twenty years' quitrent.

I entertain no doubt that by far the greater number of occupiers of these farms will gladly avail themselves of that liberty to improve their tenure, and thus, without the semblance of pressing this as a tax upon the community, the Colonial Government will be able soon to look to the realization of a sum of nearly £10,000 on these farms thus converted into freehold at the will of the occupiers themselves.

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I have the honour, &c.,

(Signed) H. CLOETE, Jun., H.M. Commissioner.

## LETTERS PATENT

FOR THE ANNEXATION OF THE DISTRICT OF NATAL TO THE SETTLEMENT  
OF THE CAPE OF GOOD HOPE.

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VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith: To all to whom these presents shall come :

## GREETING.

WHEREAS by Letters Patent, under the Great Seal of our United Kingdom of Great Britain and Ireland, bearing date at Westminster, the 19th day of December, 1843, in the seventh year of our reign, we did constitute and appoint our trusty and well-beloved Sir PEREGRINE MAITLAND, Knight Commander of the Most Honourable Military Order of the Bath, Lieutenant-General of our Forces, to be our Governor and Commander-in-Chief in and over our Settlement at the Cape of Good Hope, in South Africa, with its Territories and Dependencies ; and whereas since the date of the said recited Letters Patent it hath seemed good to us to annex to the said Settlement of the Cape of Good Hope the Territories occupied by our subjects throughout the District of Natal, in South Africa: Now know ye that we, of our special grace, certain knowledge, and mere motion, have annexed, and do hereby annex, the said District of Natal to our said Settlement of the Cape of Good Hope as a part or portion thereof: Provided, nevertheless, and we do hereby declare our pleasure to be, that no law, custom, or usage now in force within our said Settlement of the Cape of Good Hope shall by force and virtue hereof extend to and become in force within the said District of Natal; and that no Court or Magistrate within our said Settlement of the Cape of Good Hope shall, by force or virtue hereof, acquire, hold, or exercise any jurisdiction within the said Colony of Natal, but that it shall be competent to and for the Legislature of the said Settlement of the Cape of Good Hope to make, ordain, and establish all such Laws and Ordinances as to them shall seem meet for the peace, order, and good government of the said District of Natal, whether in conformity or not in conformity with the Laws and Ordinances in force within the other parts of our said Settlement of the Cape of Good Hope, any Letters Patent, Charters, Orders in Council, local Ordinances, or other Law or usage to the contrary notwithstanding. Provided, always, that all Laws and Ordinances so to be made as aforesaid for the peace,



order, and good government of the said District of Natal, shall be so made in such and the same manner, and with, under, and subject to all such and the same conditions, restrictions, and reservations as are or shall be in force within our said Settlement in respect to the making of Laws and Ordinances for the peace, order, and good government of the other parts thereof; and we do hereby reserve to ourselves full power and authority to revoke or alter these presents, as to us shall seem meet.

In witness whereof, we have caused these our Letters to be made Patent.

Witness ourself, at Westminster, the 31st day of May, 1844, in the seventh year of our reign.

By Writ of Privy Seal.

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### DESPATCH FROM SIR P. MAITLAND

TO THE RIGHT HONOURABLE THE LORD STANLEY, SECRETARY OF STATE.

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Government House, Cape of Good Hope,

4th June, 1844.

MY LORD,—I have the honour to report to your Lordship that I have approved of an Engineer estimate of £800 for completing Fort Napier at Pietermaritzburg, and keeping in repair the temporary buildings at the Camp and Point at Port Natal. The amount is calculated to prove adequate for the period ending 30th September, 1844.

I need only remind your Lordship that the troops for whose accommodation and protection the works proposed to be completed or repaired are required, were ordered to Natal by my predecessor, Sir George Napier, for the purpose of quelling and controlling the insurgent Boers, and I must add that I cannot consider it prudent to withdraw from that remote territory any portion of the force at present stationed there, or to desist from completing the defences necessary for their greater security.

Major Smith, indeed, has requested to have an addition made to the detachment of cavalry under his command, and with so much reason, that I shall feel it my duty to augment that small force to an officer and thirty men of the Cape Mounted Rifle Corps as soon as I can conveniently detach men from that corps.—I have, &c.,

(Signed) P. MAITLAND.

HER MAJESTY'S COMMISSIONER, NATAL,  
TO THE HON. J. MONTAGU, SECRETARY TO GOVERNMENT, CAPE TOWN.

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Cape Town, 14th June, 1844.

SIR,—Having with my last report transmitted to you, for the information of His Excellency the Governor and of Her Majesty's Government, a volume, La. A, comprising the names of all farms claimed in the Natal territory, which I have verified as being *bona fide* occupied in terms of the proclamation of 12th May, 1843, I now do myself the honour to forward to you, to be also submitted to His Excellency and the Government, two volumes comprising the lists of the farms which, under the authority conveyed in your letter of the 8th of October, 1843, I have been authorised especially to submit to the gracious consideration of Her Majesty.

The first volume, marked La. B, contains the list of all farms throughout the Natal territory which I found partially occupied, but which the claimants, for various reasons set forth in the history of each farm, had been compelled to abandon for a time; and the second volume, marked La. C, contains a list of all farms the claimants of which showed that, under the then existing state of the country, they had been induced to purchase for a valuable consideration—in consequence whereof they also submitted their claims to the indulgent notice of the Government, although they had not been occupied.

Although from the tenor of the instructions conveyed by Her Majesty's Secretary of State, and the terms of the proclamation of the 12th of May, 1843, there can be no doubt that the claimants to any of these farms are not of right entitled to insist upon grants of the same, yet I cannot but respectfully submit that in almost every case the claimants have shown such equitable ground in support of their claims as might induce Her Majesty's Government to take them under a favourable consideration. I trust, therefore, I shall not be deemed to be acting against the spirit of Her Majesty's instructions in humbly supporting the various grounds which the claimants, whether original British settlers or Dutch emigrant farmers, have advanced, to solicit at least from Her Majesty, as a matter of favour and grace, what they must be aware they cannot claim under the strict terms which Her Majesty has held out as one of the conditions contingent on the submission of the emigrant farmers.

Upon referring to the history of each farm entered in the accompanying volume under La. B, His Excellency will clearly perceive the reasons assigned by each separate claimant for his not having occupied the farms claimed by him as required by the proclamation of the 12th May, 1843. The causes for their not having permanently occupied these farms will be found to reduce themselves to one or other of the following:—First, the general insecurity of the country; second, the loss of their cattle, and in some instances the murders committed upon their households; and thirdly, the directions of the Volksraad.

With regard to these causes, it should be observed generally that immediately upon the outbreak of hostilities in May, 1842, a deadly enmity was created not only between the Dutch emigrant farmers and the British settlers at the port (whom the former had taken into custody and treated with much severity and harshness), but also between the former and the Kafirs (or Zulus, properly speaking), who had settled themselves near the Port of Natal. Overtures it was known had also been made by the officer commanding Her Majesty's troops to the Zulu chief Panda for his support, and the alienation of feeling and spirit which gradually took place between all parties from the date of the submission of the Volksraad to Lieutenant-Colonel Cloete in July, 1842, and which had reached its utmost crisis on the date of my arrival in June, 1843, rendered it quite impossible for any single family to reside upon an isolated farm without imminent danger and risk. The Kafirs in and about the neighbourhood of Natal availed themselves of this state of suspicion with which one party was known to regard the other to commit constant depredations on the cattle of the emigrant farmers, which they could easily secure in the woods along the sea coast from the Tugela to the Umzincoolo, without the chance of their being detected when pursued, and the murders of Van Rooyen and Oosthuysen by Kafirs who had lived on their farms, and had been principally in their employ, caused such a general panic, that there was hardly a family who continued to occupy singly any farm; but they congregated on some one farm favourably situated for defence, hardly adventuring to any distance from the protection of the fortified enclosures which they had formed upon these farms.

From the returns with which I have been furnished \* \* \* (of the accuracy of which I entertain no doubt), it would appear that not less than 1,300 head of cattle and about 500 goats and sheep were thus successfully carried off by the Kafirs after the country



had been apparently pacified by the submission of the emigrant farmers in July, 1842.

It will thus appear that Her Majesty's Government, in requiring as the condition to a *bona fide* occupation of any farm that it should have been occupied during the last twelve months prior to my arrival in the territory of Natal, had unfortunately fixed upon a period when, from these various causes, the inhabitants were almost driven to the necessity of temporarily abandoning many of their most valuable farms; and I cannot but submit to the favourable consideration of Her Majesty's Government that the number of farms *bona fide* occupied in the terms of the Royal Instructions having been found to be so few, this may induce Her Majesty's Government somewhat to modify the strictness of the condition prescribed as to the nature and extent of the occupation, and admit those whose names appear in the accompanying volume, La. B., to a favourable consideration of their claims.

I have the honour, &c.,

(Signed) H. CLOETE, H.M. Commissioner.

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#### SIR P. MAITLAND TO THE SECRETARY OF STATE.

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Government House, Cape of Good Hope,

17th June, 1844.

MY LORD,—I have the honour to inform your Lordship that about nine years ago an American Missionary Society, styled the American Board of Foreign Missions, sent two missionaries, the Rev. A. Grout and the Rev. Dr. Adams, to the Natal territory to preach the Gospel, where they have since, until within the last six months, resided, and having acquired a complete knowledge of the people and language, and having proved themselves very zealous ministers of the Gospel, have been of great benefit to the Zulus and the other native tribes occupying that territory.

In consequence, however, of the insufficiency of the funds of the society above alluded to to meet the necessary expenses incumbent on this mission, it was found necessary to withdraw these two ministers,—the former of whom, Mr. Grout, arrived accordingly at Cape Town from Natal, on his way to America, in January last, and the latter, Dr. Adams, intended shortly to have followed.

The departure of these gentlemen from Natal at a moment when their services were of the highest importance, and their united exertions were especially required to represent and protect the

natives against the emigrant farmers generally, but more particularly against those who, being dissatisfied with the terms proposed by Her Majesty's Government for the settlement of their claims to land in the Natal territory, had determined to migrate further into the interior of Africa, beyond the jurisdiction of British authority, induced my predecessor, Sir G. Napier, on becoming acquainted with the departure of Mr. Grout and Dr. Adams for the reasons above stated, to make overtures to those gentlemen, and endeavoured to persuade them to return and carry on their labours in the Natal country.

These negotiations had not, however, been finally adjusted upon my arrival in March last; but being fully convinced of the importance of having such persons resident among the Zulus, I have pursued the object and prevailed on Mr. Grout to return, and, in conjunction with Dr. Adams, to continue his labours at Natal as missionaries in the pay of the Government.

The accompanying documents on this subject will explain to your Lordship the arrangements I have made, which your Lordship will observe are of a temporary nature, and will be continued only until I can be honoured with your Lordship's decision on the matter.

Your Lordship will see in the enclosed correspondence the instructions I have deemed it right to issue to these missionaries, and the object of employing them in that capacity.

The sum I have consented to pay the Rev. Dr. Adams and Rev. Mr. Grout is, as your Lordship will perceive, £150 per annum to each. I have also approved, for Mr. Grout, an additional expenditure not exceeding £40 for the erection of buildings, &c., required for the mission at Natal, at the spot on which he may find it necessary to establish himself, and a further sum of £25 to defray the expense of his passage from Cape Town to Natal.

The whole of these charges I have directed, as your Lordship will perceive by the enclosures, to be defrayed from the Natal treasury; and I trust that this, as well as the other steps I have taken in this subject, will meet with the approval of Her Majesty's Government.

Your Lordship will perceive by a note addressed to the Secretary to Government by the Rev. Mr. Faure, of this town, that the American Board of Foreign Missions has intimated its intention of authorising Mr. Grout and Dr. Adams to prosecute their labours at Natal, but as their resources for that purpose seem rather doubtful, your

Lordship will observe by the letter I directed the Secretary to Government to address to Dr. Adams and Mr. Grout, that I do not purpose for the present disturbing the arrangement I had entered into with them, but intend awaiting your Lordship's instructions on this subject.—I have the honour, &c.,

(Signed) P. MAITLAND.

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DESPATCH FROM LORD STANLEY TO SIR P. MAITLAND.

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Downing-street, 19th June, 1844.

Lient.-General Sir P. MAITLAND, K.C.B., &c.

SIR,—I have to acknowledge the receipt of your predecessor's despatch No. 23, of 7th March, containing a list of expenses, amounting to £1,623 18s. 0 $\frac{3}{4}$ d., which had been defrayed by the Government of the Cape of Good Hope on account of the mission to Port Natal for the pacification of that territory, and stating that he had authorised the Deputy Commissary-General to refund the amount to the Military chest.

Her Majesty's Government disapprove of the authority given for that issue by Sir G. Napier in the absence of the specific previous sanction of Her Majesty's Government; and as they cannot admit that this country is to be held liable to make good all expenditure arising from such a source, it will be necessary that the sum now reported to have been drawn from the Commissariat chest should be repaid into it.

It may be a question for future consideration in what particulars, if indeed at all, it would be right to aid the revenue of the Cape in defraying the Natal expenses.—I have the honour, &c.,

(Signed) STANLEY.

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SIR P. MAITLAND TO LORD STANLEY.

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Government House, Cape of Good Hope,

21st June, 1844.

MY LORD,—Having received a letter from the Hon. Mr. Cloete, Her Majesty's Commissioner to the Territory of Natal, and one from the resident Officer of Ordnance at this place, enclosing certain plans of ground required for military purposes at Natal, by which your Lordship will perceive that those functionaries differ upon the subject, and as your Lordship will probably refer the matter for the decision of the Board of Ordnance previously to giving instructions



thereon, I have deemed it necessary merely to enclose those documents for your Lordship's information.—I have the honour, &c.,

(Signed) P. MAITLAND.

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LORD STANLEY TO SIR P. MAITLAND.

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Downing-street, 26th June, 1844.

Lieut.-General Sir P. MAITLAND, K.C.B., &c.

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Her Majesty is graciously pleased to approve and confirm the pardon which your predecessor extended to Jacobus Johannes Burger, in reliance on his solemn declaration of future allegiance to the Crown. I approve of the appointment of the Rev. Daniel Lindley as minister at Pietermaritzburg, with a salary at the rate of £100 per annum, payable from the Natal revenues.

It is satisfactory to learn from the correspondence transmitted by Sir George Napier that there will probably be no difficulty in defining the south-west boundary of the new colony. In my despatch of the 25th ultimo, I intimated that one of the many rivers which appear to flow in a parallel direction from the mountains to the sea should be selected; but you will not consider yourself as debarred by that despatch from the adoption of an intermediate line, as suggested by Mr. Cloete, to be settled by negotiation, should such a course appear to afford the means of a more easy and satisfactory arrangement.—I have the honour, &c.,

(Signed) STANLEY.

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LORD STANLEY TO SIR P. MAITLAND.

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Downing-street, 29th June, 1844.

Lieut.-General Sir P. MAITLAND, K.C.B., &c.

SIR,—Although I am not yet prepared to furnish you with instructions as to the general method of disposing of land hereafter around Port Natal, I am anxious to communicate to you without further delay my decision on the claims submitted in Mr. Cloete's report of 30th November, 1843.

That report relates, first, to grants made by native chiefs to individuals, consisting principally of grants of the whole or the greater part of the Natal territory. \* \* \* Mr. Cloete states that the only individual in favour of whom a claim has been made to him to the greater part of the district, in virtue of a grant

from the native chiefs, is Mr. Aspeling, residing in Cape Town, who claims in right of his wife, the widow of the late Lieutenant Farewell, to whom King Chaka, in 1824, granted the Natal territory. It appears, however, that since the grant by King Chaka to Lieutenant Farewell, this same territory has been successively granted to five different individuals—twice by Chaka, and three times by his successor, Dingaan—the last grant being made to the late Pieter Retief, for himself and the emigrant farmers. A claim also arising out of a native grant was made by Mr. Toohey on behalf of Captain Gardiner to a farm called Berea, said to have been granted in trust for the Church Missionary Society. Mr. Cloete states that Captain Gardiner had quitted the colony more than six years ago, and that the Church Missionary Society had altogether abandoned the station, the position of which Mr. Cloete considers ill suited to the purpose for which it was intended. I entirely concur in Mr. Cloete's opinion that these claims under native grants are altogether inadmissible. If allowed, they would, as he observes, be subversive of the equitable basis laid down by the Government for the settlement of land claims in the Natal territory; and as they have not been followed by any effective occupation, and have been dispensed indifferently by the same chief to one European after another, it is scarcely possible to view them as the subject of any serious claim.

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Having now gone through all the past claims to land, I may observe that in the conclusion of his report Mr. Cloete states that he is almost daily pressed by applications for new grants, and that several newly-arrived emigrants urge him even to allow them merely leave to occupy on sufferance small pieces of ground upon their agreeing to give them up whenever required by Government. These applications Mr. Cloete has as yet resisted; but he expresses himself strongly in favour of the early sale of such lots, as it would be most judicious to commence with. On general grounds it would be preferable that no sales took place until something of a systematic survey of the proposed town could be effected. On the other hand, however, it may be impossible to withstand the pressure of necessity which will impel parties to occupy sites on which to house themselves, and perhaps form gardens for some of the articles of food most wanted and easiest to be produced. Without waiting, therefore, for the general instructions which you may shortly expect for the future disposal of land at Natal, I authorise you, in cases in which it may be considered essential, and provided that a correct

and even well-defined demarcation of the lots can be made, to dispose by public auction of town sections of about half or quarter of an acre in extent, putting them up to sale at a minimum upset price of £50 for the former, and £25 for the latter; or, if any smaller division is made, still adhering to the same average rate of £100 per acre. This is not a higher price than has been fixed on town lots at the recent settlement in the Falkland Islands, inferior as it must be in most natural advantages to that now formed at Natal. At a moderate fixed distance from some central point in the town, lots may be considered as suburban, and these might be sold at such upset price as might be named, not less than £1 per acre. In proposing these terms, it must be distinctly understood that the local authorities are not at this time, or before the presence of competent surveyors, who can be properly spared from the urgent duty of marking off the lots of past claimants at Natal and Pietermaritzburg, to stimulate sales. These terms are sanctioned only to meet the cases of any persons actually settled on the spot, to whom it would be a hardship, and perhaps a public inconvenience, to refuse all opportunity of acquiring a right to ground which they can hardly avoid occupying for purposes of the first necessity.—I have, &c.,

(Signed) STANLEY.

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#### DESPATCH FROM SIR P. MAITLAND

TO THE RIGHT HONOURABLE THE LORD STANLEY, SECRETARY OF STATE.

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Government House, Cape of Good Hope,

24th July, 1844.

MY LORD,—I have the honour to transmit herewith, for your Lordship's information, a report which has been made to me by the Commandant of Port Natal, relative to a rumoured movement of the Kafir chief Ncapai against the emigrant farmers, and which, upon enquiry under the judicious arrangements of Major Smith, was proved to be wholly without foundation.

This report also goes to show the present feelings of the farmers, and the facility with which such rumours obtain credence, and the necessity which exists of continuing to exercise every precaution our means will allow to prevent them from acting upon their views or apprehensions, particularly in matters where the natives are concerned.—I have the honour, &c.,

(Signed) P. MAITLAND.



MAJOR SMITH TO THE COLONIAL SECRETARY,  
CAPE TOWN.

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Pietermaritzburg, 28th July, 1844.

SIR,—Since the date of the letter I had the honour to address to you, enclosing the absurd and arrogant document put forth by the Burgher Raad of Potchefstroom and Windberg, nothing of importance has transpired, the country being in a greater state of tranquillity than usual. Early in this month Mr. Lindley returned from a long journey on the other side of the Drakensberg, whither he had been solicited to go to give the people located there the religious assistance they are so wholly without in that direction, and he describes the country as being in a most unsettled and unquiet state. The ignorance of the people is excessive; and as they have no means of instruction their children are growing up most lamentably deficient in all the qualifications requisite to render them orderly and useful members of society,—a matter of much importance as regards the future prosperity of the country, of the population of which they form a large and still increasing portion. Eighty Boers (with whom was Mocke), accompanied by upwards of 100 Kafirs, had gone in the direction of Delagoa Bay with a view to opening a trade at that place, or on the coast nearer to the settlement of Mozambique. The result of this expedition had not transpired at the period of Mr. Lindley's return.

I believe the number of children christened by the reverend gentleman during his journey amounted to 636.—I have, &c.,

(Signed) J. C. SMITH, Brevet-Major, 27th Regt.,  
Commandant of Natal.

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SECRETARY OF STATE TO SIR P. MAITLAND, K.C.B.

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Downing-street, 29th July, 1844.

Lieut.-General Sir P. MAITLAND, K.C.B., &c.

SIR,—With reference to that part of my despatch of 25th May last, in which I adverted to the disposal of land in the Natal territory, I now proceed to furnish you with instructions on the subject; and in doing so shall chiefly confine my attention to the claims to land already existing of the Boers around Pietermaritzburg, and the steps which should be taken to confirm to the claimants their possessions, intending to address you on a future occasion upon the arrangements to be made for the sale of land generally in that settlement.

It appears from Mr. Cloete's report that he proposes to bring all lands to which any claimant may prefer his claim under some one of the three following distinct classes or schedules:—

In the first, or Schedule A, he proposes to class all lands to which parties have an undoubted claim under the proclamation of the 13th May, 1843, by residence, occupation, and cultivation. In the second, or Schedule B, he proposes to class all lands which he finds parties to have held by a *bona fide* title, and occupied prior to the commencement of the twelve months preceding his arrival in the territory, setting forth in each case the cause which had interrupted that occupation. In the third, or Schedule C, he proposes to class all farms respecting which a *bona fide* title and occupation had existed in a qualified degree during the period of twelve months, yet about which sufficient doubt existed to call for special report specifying the character of the occupation and his doubts about it. Mr. Cloete recommends that the cases contained in it should be considered according to their respective merits. In rejecting all other cases not comprised under these three heads, the only remaining difficulties Mr. Cloete anticipated would be to satisfy claimants who had given a valuable consideration for their lands, and who would complain of injustice if it were taken away without compensation. In such cases, where a title had been required, and a *bona fide* consideration given, he thinks the parties should not be dismissed with a total rejection of all claims. The amount required to satisfy such claims Mr. Cloete thinks would be quite insignificant, the majority of the farms having been sold for £20 or £30, which would be realised by the sale of the farms thus reclaimed.

Besides his classification of the three schedules, Mr. Cloete's recommendations may be classified as follows:—

1. That the prayer of the Volksraad contained in their memorial to Her Majesty's Commissioner under date 4th September, 1843, should be so far complied with that Her Majesty's Government should grant farms to the extent of 6,000 acres each to all who can substantiate their claims in cases where the vicinity of adjoining farms may not render a reduction necessary.

2. That in any future grants or sales of land the area of each allotment should be limited to 2,000 acres.

3. That the application of the Volksraad to be allowed time in paying the expenses of the survey should be left to the future Lientenant-Governor of the new colony.

4. That the purchase money should be returned to those who had *bona fide* purchased their farms.

Upon the first of those suggestions, which relates to the size of the proposed grants, I feel considerable difficulty respecting the adoption of Mr. Cloete's opinion. In the first place, I cannot overlook the great extent of territory which it would at once cause to be appropriated, including upwards of four and a half millions of acres, and not one million and a half as represented by Mr. Cloete, if grants be made of the size he proposes to all of the 760 farmers whom he considers entitled to them. Neither can I help feeling the injury which may be done to the settlement itself by throwing vast tracts of land into the hands of private individuals.

I am fully prepared to admit the expediency of consulting the wishes and feelings of the Dutch emigrants ; yet as Mr. Cloete himself has expressed his opinion that in any future grants 2,000 acres would be a sufficient size for practical purposes, I am disposed to think that in the settlement of past claims the grant should be limited to the size of 3,000 acres, unless you should be deliberately of opinion that this would be likely to produce a renewed emigration of the Boers.

I am not prepared to give you definite instructions in regard to the survey, although I would observe that it is desirable that the least practicable delay should take place in proceeding to an effectual measurement and demarcation of the several grants ; but I must distinctly give you to understand that no funds for this purpose can be made available from the British Treasury. I am of opinion, however, that the revenue which may arise from the sale of lands, town lots included, at any of the settlements may be legitimately applied to this purpose ; and, adverting to the payment which in a subsequent part of this despatch I have proposed should be required upon issuing the title deeds to the Boers, I entertain the hope that funds sufficient to defray the expenses of the survey will soon be raised in the Natal territory. The Volksraad have asked for time to repay the expenses of the survey. I see no objection to grant this indulgence, but think the period should be limited to the time when they receive their deeds of grant.

You are aware that all land in the new territory is to be held subject to assessment for local purposes by local bodies. I do not, therefore, propose to burden the farmers with any additional annual payments in aid of the local Government on account of the land.



The expenses, however, of the survey, and the salaries of the officers connected with the land department, I think ought to be borne by the farmers, and cannot be left to local assessments. Being aware of the feelings of the Dutch upon any charge in the nature of quit-rents, I prefer naming a fixed sum to an annual payment to meet such expenses, upon payment of which the grantees from the Crown will be free from any further liabilities to the Government on account of land.

I therefore propose that upon a payment of £50 a deed of grant should be issued to each holder of 3,000 acres, who may be considered to be entitled to a confirmatory grant from the Crown. This sum should include the expense of survey and the redemption of the burgher tax of 18s. per annum (which confers on the farmer a qualification to hold his land).

Calculating this tax redeemable at 15 years' purchase, the charge would be £13 10s., and estimating the expense of survey at £11 10s., a further charge would only remain of 2d. per acre for preparing the deed of grant and any other expenses. By the whole payment of £50 the land would be enfranchised at 4d. per acre; and the proceeds, supposing that the deeds of grant were issued to all the 760 farmers reported by Mr. Cloete to be entitled to them, would amount to £38,000. If, however, any party should be unable to pay £50, but still be willing to take a smaller grant, he should be allowed the option of obtaining it; and in paying for his deed, a rateable deduction should be made in proportion to the diminished size of his grant. As some time must necessarily elapse before the arrangements for the government of the Natal territory will be sufficiently advanced to admit of the establishment of the different public offices, I have to request you to cause the forms of grant to be prepared at the Cape of Good Hope, reserving to the Crown the right of making public roads through any land, except such parts on which buildings may be erected. You will then execute the deeds under the authority of your commission from Her Majesty, acting upon the reports you may receive from the resident authority in the Natal district; and as they will be executed by you at Cape Town, they should also be registered there as soon as the proper offices are established at Natal. Such deeds as have been issued by you and registered at Cape Town should be registered without fee at Natal, and the whole business connected with land be transferred to the Natal Government, to which all the revenues raised in that district will be appropriated in pursuance of the 9th article of the

proclamation of 13th May, 1843. The remaining suggestion of Mr. Cloete is that the purchase money should be returned to any persons who have bought farms, but are unable to bring their claims within either of the three schedules. The principle which I have laid down of twelve months' occupation will produce considerable modifications in the schedules, both as to the time and the manner of the occupation; and in this important concession I am prepared to acquiesce, the exceptional cases being reserved for my decision in regard to their respective merits. But in a case which is of such a nature that it cannot be brought within any of the schedules, to undertake to repay an individual at the expense of the public any sum which he may have paid to another for his claim to land, appears to me to be inadmissible. The return of the purchase money is a perversion of terms, since none has been received by the public, and what is proposed would in reality be a gift at the expense of the community generally. But if this were the only reason against the measure, it might be met by giving an equivalent in land. The foundation of the whole of the present measures is that under certain limitations Her Majesty's Government will confirm parties in their actual possessions, but will not pay them for that of which they wished, but failed, to acquire any lasting possession. If, indeed, there were any such an occupation by the seller and by the purchaser in succession as would jointly bring the case within any of the three schedules, I apprehend that it might be placed there as a matter of course, but I do not so understand Mr. Cloete's proposal.

I observe in the tenth paragraph of the memorial above alluded to, that it is urged that municipalities should be granted to every town or village at the request of the inhabitants, and that the lands granted to the villages for grazing, &c., should not be disposed of in any other manner than to the improvement of the village, either in waterworks, roads, or the like. Mr. Cloete approves of the principle of applying exclusively to town purposes the funds arising from lands the property of the town, but objects to the extent to which it has been carried out. He represents that not less than 120 or 150 square miles have been reserved as common lands around Pietermaritzburg, the evident object of these reserves being to enable persons residing in the towns to possess depasture lands to a boundless extent, and keep up extensive breeding establishments of cattle, while residing in the chief town; he recommends that in no case the extent should exceed three or four miles from some central point in every town, to be vested in the municipality, who should be charged

with the administration of town property and lands. In Mr. Cloete's conclusions on this paragraph of the memorial I have to express my general concurrence, more particularly as to the evils that might result from vesting in municipalities very large tracts of land in the vicinity of towns.

The land, therefore, to be vested in the Municipality of Pietermaritzburg should not at any rate exceed the extent proposed by Mr. Cloete, of a radius of three miles from a central point in the town.

In the 17th paragraph of the memorial, I also perceive that they state that, although they would gladly encourage the immigration of all who on their arrival would be in a condition to maintain themselves, they are nevertheless of opinion that nothing could be more detrimental to the interest of the newly-established settlement than the arrival of a concourse of poor people, unless means were found of giving them immediate employment, as a long interval must necessarily elapse before they could raise for themselves the necessities of life. In the general expression of the evils that might be anticipated from such a course I concur. On the other hand, however, it is obviously necessary to guard against any supposition that Her Majesty's Government can pledge itself to guard against future emigration to these parts. You will, therefore, authorise the principal resident authority at Natal to state in any answer to enquiries on the subject, that no extensive European immigration to Natal is at present foreseen, but that Her Majesty's Government must distinctly decline to pledge itself against the resort of any British subjects who, after the establishment of a system for the disposal of the public lands, may think it for their interest to remove themselves, or labourers to Port Natal.—I have, &c.,

(Signed) STANLEY.

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SECRETARY OF STATE TO SIR P. MAITLAND, K.C.B.

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Downing-street, 30th July, 1844.

Lieut.-General Sir P. MAITLAND, K.C.B., &c.

SIR,—I have had under my consideration your despatch No. 4, of 12th April last, enclosing a copy of a letter from Mr. Cloete, Her Majesty's Commissioner at Natal, respecting claims made to town lots at Pietermaritzburg, and of two letters from Major Smith, showing the state of feeling among the emigrant farmers at the period of their respective dates.



It appears from Mr. Cloete's report that the town of Pietermaritzburg is laid out in the form of a parallelogram, extending about a mile and half in length, and a mile in breadth, divided by nine parallel streets, seventy-five feet in width, and intersected at right angles by five streets of equal width, in which nearly 500 town allotments were marked out, being 450 feet in length by 150 in width, comprising nearly one acre of ground each. Of these lots, about 460 were in the years 1839 and 1840 either granted to the first emigrants that arrived, and who by an early regulation of the Volksraad became entitled to two farms and one building lot at this place or Weenen, or were sold for sums varying from £4 to £7 19s. each allotment.

The unsettled state of the country for the last two or three years, which retarded the improvement and cultivation of farms, had promoted the formation of this township, and many who had been deprived of their cattle by the Zulus, or were apprehensive of their attacks, purchased lots and had erected buildings, or otherwise cultivated the ground, so that the greater proportion of these lots had been *bona fide* occupied. The number of the lots ascertained by Mr. Cloete to have been thus occupied for twelve months, amount to 259; and to these he anticipates confirmatory grants will be issued as a matter of course, in compliance with the public announcement made on behalf of Her Majesty. To such a proceeding I see no reason for withholding my assent. There are about sixteen lots of which the claimants have had only an uninterrupted (and not continued) occupation, commencing before the period fixed by the proclamation of 12th May, 1843. In conformity with the recommendation of Mr. Cloete, I am of opinion that those claims should be favourably considered.

About fifty lots remain unclaimed, although parties have had every opportunity of preferring their claims. These lots the Commissioner considers must necessarily revert to the Crown, in which I agree.

There still remain 137 lots claimed by parties, but confessedly not occupied for the period required by the proclamation to give validity to their claims. On reference to the enclosures accompanying your despatch of 12th April last, I find that of this class 103 lots were granted to former parties and purchased by the present claimants; 29 were granted to persons now claiming, and five only were purchased direct from the local Government. The average price paid to the first grantees by purchasers who are now claimants on the

Government for confirmatory grants, is from £25 to £30 each lot; but some gave no more than £4 or £5. Mr. Cloete has recommended that deeds should be issued to these parties on payment of the small fine of £3 15s., and that other deeds be issued to persons in right of occupation without any payment at all. He adds, however, that many of the lots claimed by the former will be found to be owned by two or three individuals who may be said to have purchased them on speculation; still he observed that in by far the greater number of cases the present claimants are persons who have invested their little savings in these purchases, or who have been prevented by want of means from building on their lots. To return to these parties their original purchase money would, he conceives, give them an apparent just cause of complaint; and the distinction he proposes to make between this class and those who have entitled themselves to their grants by a *bona fide* occupation, is to confirm the grants to the latter on payment of a merely nominal price; while those of the former should not be confirmed except upon payment of the above-mentioned fine of £3 15s. By the adoption of this suggestion he thinks that about £450 will be raised on the issue of title deeds to these parties. I do not think that the proposed fine of £3 15s. is sufficient to mark the distinction between persons who have acquired land with a view to occupying it and those who have obtained it for the purpose of speculation. But being aware of the importance of settling these questions in a liberal spirit, I am not prepared entirely to dissent from the recommendation of Mr. Cloete. I would therefore propose that the deeds in the present cases may be issued on payment of a fine amounting to 25 per cent. on the purchase money proved to have been paid by the parties, whether to individuals or to the Government, such fine to include the expense of survey and of preparing the deeds of grant. The foregoing observations may, I am aware, at first sight appear inconsistent with the opinion expressed in my despatch of 29th instant, No. 97, that all persons who had purchased from third parties large farms without occupying them should not receive confirmatory grants or compensation. I consider that it would be at variance with the principle on which the measures for the settlement of the land claims in Natal are founded either to give grants or compensation in these cases. I think, however, an obvious distinction exists between the occupation to be expected in the case of town or of country lots which it is unnecessary here to dwell upon. And, in addition to this circumstance, I am influenced by the effect that would follow a similar decision on the present

occasion, which would be to dispossess more than a third of the claimants of their town allotments, a result which it would be highly inconvenient to promote. Considering, however, that Her Majesty's Government will be at the expense of surveys, I think that in the cases where a fine has just been recommended a small fee should be charged upon every deed of grant of town allotments in Pietermaritzburg, in like manner as I have proposed as to country allotments.

Mr. Cloete proposes to reserve certain lots for public purposes. He states that the claimants of those lots belong to the class of those who have merely purchased on speculation, and who, having never occupied or used the land in any way, cannot, as Mr. Cloete observes, in justice claim anything beyond their outlay, which he submits should be repaid to them upon their surrendering their claims to such lots. I see no objection to this suggestion, provided the chief executive authority appointed at Natal judge the reserves indispensable; but none should be made unnecessarily—and, if requisite, I doubt whether it might not be best that the compensation should be made in land.

There are three other cases which have been favourably reported on by Mr. Cloete which I shall very briefly notice.

The first is that of the owner of a water-mill at the upper end of the town, who was allowed a piece of ground, sixty feet square, in consideration of his erecting the mill, and promising to grind corn for the community at a certain fixed rate.

The second is a claim of a similar kind, by a person who obtained a plot of ground, about 600 yards in length and about 300 in breadth, about a mile from town, who for want of means has not yet completed the mill, but who has been at considerable expense in constructing the watercourse.

The third is the claim of a German to a brickfield on which he had erected several buildings and sheds.

There is no record of this last grant; but the fact that the Volksraad had authorised it Mr. Cloete considers to be well-established. In all these cases, he states the mode of occupation has been of great benefit to the community, as well as to the individuals, and he recommends a confirmation of the grants, in which I concur. Some doubts, however, occur as to the extent of the brickfield, which I think should be settled forthwith by the resident authority, and the boundaries of the grant clearly defined. The only cases remaining for consideration are those in which several poor persons who were unable to occupy



any farms were allowed, with the sanction of the Volksraad, to remain nominally for two years until they had provided other abodes for themselves on a plot of common land three miles from the town, towards the source of the Little Bushman's River. Two families have formed homesteads on this spot, and have each under cultivation about 100 acres of ground irrigated by a watercourse. Mr. Cloete recommends that two strips of ground (the exact extent to be hereafter defined by survey and by the local Government) should be granted to them jointly, but that the name of one, William van Deventer, having expressed himself unwilling to hold any land under the British Crown, should be omitted in the deeds of grant. I see no objection to the recommendation that the grants should be issued, and apprehend that it may be settled by the executive authority on the spot at the time when these measures take effect whether the name of the particular individual should be omitted.

With regard to any question that may arise on making fresh sales of town lands, I would refer you to the observations which I made in my despatch of the 29th ultimo on the town at Port Natal, and am of opinion that the same principle should be applied to the town of Pietermaritzburg; but I should think that, considering its inland position, its minimum price might be one-half of that suggested at the port. In expressing my approval of the measures commended by Mr. Cloete in regard to the town lands at Pietermaritzburg, I cannot conclude this despatch without adverting to the circumstance of that gentleman himself claiming three lots, which he appears to have bought in August, 1843, and to have paid for them respectively the sums of £127 10s., £30, and £30. You will acquaint Mr. Cloete that I cannot sanction the purchases made by a public officer who was to report on the course to be taken by Her Majesty's Government in respect to confirming such lots, and who had thus rendered himself a party interested on the subject on which he was merely to offer advice.—I have, &c.,

(Signed) STANLEY.

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SIR P. MAITLAND TO LORD STANLEY.

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Government House, Cape Town,

13th August, 1844.

MY LORD,—I have the honour to transmit herewith, for your Lordship's information, the cash account of the civil administration of the Commandant of Port Natal for the months of March and

April, and to state that none for a later period have been received by me, on account of the death of the acting Collector of Customs, which was reported by my despatch No. 47, of the 22nd June, and which had up to the date of the last advices left that settlement without an officer qualified to sign statements of collection in that department.

It is scarcely necessary for me to call your Lordship's attention to the comparatively large and increasing balance shown by these accounts; but I cannot refrain from expressing my gratification at observing that the Natal revenue continues to exceed the amount at which it was estimated when the arrangements were made by my predecessor, in October last, for forming the Customs establishment there, as reported by his despatch No. 196, of the 6th of that month.—I have the honour, &c.,

(Signed) P. MAITLAND.

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SIR P. MAITLAND TO LORD STANLEY.

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Government House, Cape of Good Hope,  
14th August, 1844.

MY LORD,—With reference to my despatch No. 65, of the 16th ultimo, I have the honour to transmit herewith a letter from the Commandant at Port Natal, in which he reports the still unsettled state of the country beyond the Drakensberg, and that Mocke, the prime mover of the disaffection in that quarter, has proceeded, with 80 of his followers and upwards of 100 Kafirs towards Delagoa Bay, in order to open a trade there or on the coast nearer to Mozambique.

These matters are, of course, beyond my means of interference; but I forward the report for your Lordship's information, as the state of the country in question and the relations of the new colony with it may possibly be points to be considered in the arrangements for the future government of Natal; and I will merely add that Mocke's party will probably find the climate of Delagoa Bay as inimical to them as it has proved in most instances to other whites who have preceded them in endeavours to open a trade or to have communication overland with any part of the eastern coast.—I have, &c.,

(Signed) P. MAITLAND.

DESPATCH FROM HER MAJESTY'S MINISTER  
AT THE HAGUE.

[Confidential.]

The Hague, 16th August, 1844.

The Earl of Aberdeen, &amp;c.

MY LORD,—With reference to your Lordship's despatch No. 5, of 25th June last, transmitting to me a copy of a letter which had been addressed to your Lordship's department by direction of Her Majesty's Secretary of State for the Colonies, and instructing me to watch the proceedings of a society which has been formed in Holland for the protection of the religious wants of the inhabitants of Natal, I have the honour to report that there exists at Amsterdam a society called "The Commission for supplying the religious wants of the inhabitants of Natalia."

This society is composed of persons of respectability and wealth, and is conducted by a committee composed of clergymen of the Dutch Reformed Church, who act under the guidance and control of Mr. Swart, Lecturer and Examiner at the Naval College of Amsterdam.

The gentlemen who compose this committee of management are men of reputation, of learning, and good character, who stand high in the opinion of the respectable portion of the inhabitants of Amsterdam. Mr. Swart is distinguished not only for his learning, but also for his indefatigable activity, perseverance, and obstinacy in carrying out whatever views or schemes he may plan or undertake. He has the confidence and support of some of the most influential persons in point of wealth and character in Amsterdam, and he is the ruler and director of the committee of management of the society in question.

Having arrived at a knowledge of the persons who compose this society, I took measures to procure a statement of the views of Mr. Swart with respect to the Boers in South Africa, and also with respect to the share which I presumed he had had in the voyage of the ship "Brazilia" to Port Natal, and I have the honour to enclose herewith a copy of a memorandum which has been drawn up by Mr. Swart upon this subject.

Besides the information contained in this memorandum, I have learned that the authorities in command of the Portuguese settlements in South Africa have made proposals to the disaffected among the Boers, subjects of Her Majesty, to retire from the British possessions into those of Portugal, and that the Boers have com-



municated these overtures to the committee of the society in question, and have demanded their counsel and advice; that the committee have not returned an answer to this communication—first, because they would see with deep regret a body of persons in whom, on account of similarity of language, lineage, and creed, they feel an interest, take refuge in a colony where they would probably soon be lost to that church of which they are at present members. Secondly, that they intend to persevere in their endeavours to supply religious instruction to the Boers of South Africa, and that should they be thwarted in this attempt by the Government of the Cape Colony, they will then counsel the Boers to form an independent settlement, or to accept the offer of the Portuguese authorities; that they are willing and anxious to submit their plans to Her Majesty's Colonial Government, and to impress upon them their conviction that numbers of the Boers are fast lapsing into a state of barbarism and heathenism; that the missionaries who have hitherto visited the Boers neither speak their language nor understand their habits; that they are in need of ministers of the Gospel whom they can understand, of schools, of masters, and of books.

The failure of the voyage of the "Brazilia," so far as the committee of this society assert they are concerned in it, does not appear to have discouraged them, and I am informed that they intend to send out a further supply of religious books to South Africa.

I have not been able hitherto to obtain a copy of the correspondence between the committee of the society and Mr. Ham, the schoolmaster, who went out to Africa in the "Brazilia." The committee are anxiously expecting news from or of this person.

Mr. Swart, who is the prime mover of this society, is anxious to be placed in communication with Her Majesty's Colonial Government upon the subject of supplying religious instruction to the Boers. He asserts he desires nothing so much "as to be commissioned to be sent by Her Majesty's Government to Natalia; for the Boers know me (Swart) and place implicit confidence in me, and I am sure I could bring them back and inspire them with confidence."

I cannot discover that either Mr. Swart, or those who act under his advice, are the tools or dupes of political schemes.

I also enclose the translation of an article which appeared in a newspaper published in Rotterdam on 31st ultimo.

Having discovered that Mr. Swart was acquainted with the author of this article, and that it was intended to commence the

publication of a series of articles in the same strain, with the view to bring before the public of this country a falsely-coloured statement of the condition of the Boers of South Africa, I caused it to be intimated to Mr. Swart that the suppression of such inflammatory statements would show an earnest desire to be of service to those in whom he affects to take an interest; and I have reason to believe that the further publication of these mischievous papers has been abandoned.

I regret the delay which has occurred in acquiring the information, such as it is, which I now transmit to your Lordship upon this matter; but as Mr. Swart was absent from Amsterdam when your Lordship's despatch arrived here, and as he only returned to Amsterdam about ten days ago, I have been unable sooner to collect this information.—I have the honour, &c.,

(Signed) JAS. HUDSON.

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LORD STANLEY TO SIR P. MAITLAND.

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Downing-street, 24th August, 1844.

SIR,—I have had under my consideration Commissioner Cloete's report which accompanied your despatch No. 6, of 13th April last, upon the lands at Pietermaritzburg stated to be required for military purposes. In the absence of local information, it is impossible to conceive what the circumstances are that could have led to the reservation of such very extensive lands for the purposes in question. There may, however, be particular localities affording supplies of water, fuel, forage, and building materials, which it might be desirable to reserve for military uses; and in this point of view I can only instruct you generally to take prompt measures for reserving such lands as the Commanding Royal Engineer shall satisfy you to be necessary for defence, or for furnishing the supplies above mentioned for the service of the garrison.

You will, of course, understand that the Commissioner's proposal that the Crown should pay for the lands which may actually be required for the defence of Pietermaritzburg must be treated as altogether inadmissible.—I have, &c.,

(Signed) STANLEY.

MAJOR SMITH TO SECRETARY TO GOVERNMENT,  
CAPE TOWN.

Pietermaritzburg, 4th September, 1844.

SIR,—When I had last the honour to address you, I stated that a new Volksraad had been elected, and that the members were to be sworn in on the first Monday of the present month, and that I thought this change would be the means of creating some disturbance. Having received information that it was the intention of these persons not to take any oath binding themselves to observe the arrangements which their predecessors had entered into, I thought it right they should be made aware of what was expected from them, and therefore addressed a letter to the Secretary of the Volksraad, requesting him to inform me of the nature of the oath the new members would be required to take in order that it might be in conformity with “the Proclamation of the 12th of May, 1843.” To this I received a reply (1), in which it was stated that the Committee were preparing a form of oath for the new members to take, binding them to adhere to all and every obligation entered into by the old Volksraad with Her Majesty’s Government. Somewhat early on the 2nd instant both Raads met, it being the duty of the President of the old Raad to swear in the new members; and from that time until past four in the afternoon the Court-house (so I learn) was the scene of the most violent altercation—the new members declining, with one exception, to take the oath prescribed, on the plea that they were not parties to the treaty entered into with Colonel Cloete, or the arrangements made by Her Majesty’s Commissioner, and therefore did not consider themselves British subjects. Finding them resolute on this point, Mr. Otto, the president of the old Raad, declared that unless they took the oath he and the other members were determined to continue in office, and the parties then separated with a view to meeting again the following morning. On learning what had taken place, I thought it necessary to interpose my authority, and therefore addressed a letter (No. 2) early on the 3rd to the secretary of the Volksraad, which produced the effect intended, for the meeting broke up shortly after receiving it, and the old Raad resumed their duties as heretofore.

Here I cannot avoid expressing my opinion that the parties who have acted in this manner have been induced to do so by those beyond the Drakensberg; and that the disaffected at Potchefstroom and Windberg are using every endeavour to cause an outbreak to take



place in this colony, where, indeed, there are too many both willing and ready to assist in creating disturbance.

A report has recently been put in circulation at Pietermaritzburg that some Boers had returned from Sofala, the bearers of a message from the commission that went there to seek a new location, stating that they had obtained land from the Portuguese, and that it was well adapted for the farmers, and ending with an invitation to their brethren to proceed thither, for that Smellekamp was there. This report, which I am satisfied has no foundation in truth, it being too soon to hear from the commission, has caused a renewed talk of emigrating, and added not a little to the excitement which prevails.

I have written this in haste, being anxious His Excellency should be in possession of the state of feeling here as early as possible.—I have the honour, &c.,

(Signed) J. C. SMITH, Brevet-Major, 27th Regt.,  
Commandant, Port Natal.

P.S.—Sept. 5. Having just received a letter from the acting secretary to the Raad (3), with a copy of the oath the new members were required to take (4), I enclose it with the other documents.

(Signed) J. C. S.

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LETTER FROM J. BODENSTEIN TO MAJOR SMITH,  
COMMANDANT OF NATAL.

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[Translation.]

Pietermaritzburg, 26th August, 1844.

SIR,—I have the honour to acknowledge the receipt of your letter of the day before yesterday, wherein you request to be made acquainted with the nature of the oath which the new members of the National Council are to swear on Monday next, and trust that the oath will be strictly in the spirit of the proclamation of the 12th May, 1843; requesting also that you may have a copy of it.

In reply, I beg to state that the Commission Council have spoken on that subject at their last sitting. That they will, at a sitting when the new members are to be sworn in, draw up an oath whereby the new members shall be obliged to perform all the engagements entered into by the old National Council with Her Majesty's Government; and in the event of its being refused, the old members would have difficulty in allowing the new members to be sworn in.

I shall lay your letter before the Council at their next meeting.

(Signed) J. BODENSTEIN,  
Secretary to National Council.

MAJOR SMITH TO THE SECRETARY TO THE VOLKSRAAD.

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Pietermaritzburg, 3rd September, 1844.

SIR,—Having learnt with mingled feelings of surprise and regret that the members who have been elected for the new Volksraad have declined, with one exception, taking the oath which could alone enable them to sit, it becomes my duty, by virtue of the authority vested in me by the Government, to declare that, having failed to adopt the necessary step, I can neither recognise them as an official body nor permit them to disturb the peace of the community by acting in that capacity; their conduct in this instance being directly at variance with the VII. Article of the Proclamation of the 12th May, 1843.

I have to request that you will make public the contents of this letter.—I have the honour, &c.,

(Signed) J. C. SMITH, Major,  
Commandant of Natal.

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THE ACTING SECRETARY TO THE VOLKSRAAD  
TO MAJOR J. C. SMITH, COMMANDANT OF NATAL.

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Pietermaritzburg, 5th September, 1844.

SIR,—Conformably with what Mr. J. Bodenstein has promised you in his letter of the 26th August last, to make you acquainted with the rules and instructions, also with the oath which the new members of the National Council shall be obliged to swear, I am now just able to fulfil that promise. I therefore enclose to you the instructions and oath which the old members of Council have proposed to the newly-elected members, and have desired them to swear; but as the majority of the new members have positively refused to take their oaths of office under the 10th Art. of the instructions, or rather to swear themselves subject to Her Britannic Majesty, or under acknowledgment of her supreme authority, the old members have resolved to hold the reins of government in their hands until a new election shall have taken place, the members of which shall take their oaths of office on the first Monday in January next.—I have the honour, &c.,

(Signed) P. H. ZIETSMAN, Acting Secretary.

[Translation.]

REGULATIONS AND INSTRUCTIONS FOR THE COUNCIL OF REPRESENTATIVES  
OF THE PEOPLE AT PORT NATAL AND THE CIRCUMJACENT COUNTRY.

1. This Council shall consist of 24 persons who are between 25 and —

2. The members of the Council shall be elected by the people by majority of votes, and every person who is 21 years of age, and above that, shall have a vote in the election.

3. Every person who is elected as a representative shall be obliged to serve during one year in that capacity, and should he refuse to accept it, or resign before the expiration of the year without lawful reasons approved of by the Council, he shall forfeit a fine of fifty rixdollars.

4. The Council shall at every meeting choose a president, who shall regulate and keep in order the business of the day.

5. The Council has jurisdiction in framing instructions for all functionaries, and the making of laws which local circumstances may render necessary ; the appointment of public functionaries and the dismissal of them ; and, further, all orders and regulations having reference to the common good

6. The Council has, further, the power to diminish or remit fines or punishments adjudged before competent courts of law in criminal cases.

7. The Council shall also have the power to fine, seriously to admonish, or for a period or totally to forbid the attendance at the Council of any of their members on account of improper conduct, insulting expressions at the meeting, or breach of the peace.

8. Twelve members shall form a meeting, and all decisions carried by majority of votes.

9. The Council shall also be obliged to keep a watchful eye upon the performance of divine worship, and schools, and encourage all to the improvement thereof.

10. The Council shall also be obliged to perform the treaty entered into with Lieutenant-Colonel Cloete, and also act upon the Proclamation of the 12th May, 1843, issued by Sir George Napier.

The members of this Council shall take the following oath of office :—" We, the undersigned, representatives of the people, promise and swear solemnly that we, in our capacities, will give our votes in every case in all justice, without favour, fear, or respect of persons, and according to the best of our knowledge and ability, that we have not taken from, or given to, any person whomsoever any gifts or presents,



nor shall give or take to or from any person, when we may presume that it is done with a view to obtain our votes in his or their favour, having no other object in view than to promote the common good and prosperity according to the tenour of instructions hereinbefore contained."

(Signed) J. H. ZIETSMAN, Acting Secretary.

Pietermaritzburg, 2nd September, 1844.

## GOVERNOR (CAPE) TO SECRETARY OF STATE.

Government House, Cape of Good Hope,  
6th September, 1844.

MY LORD,—I have the honour to submit, for your Lordship's information, a letter received by me from the Commandant of Natal, which I consider deserving of your Lordship's attention, because it attests the continued existence in that territory of disaffection to Her Majesty's Government, and shows that much change of feeling and removal of prejudice must be effected before a spirit of loyalty and cheerful obedience can prevail there.

I apprehend that it will require a strong hand to restrain the Boers from an injurious treatment of the native tribes within the territory, of whom they continue to exhibit much jealousy and dislike.—I have, &c.,

(Signed) P. MAITLAND.

## MAJOR SMITH TO SECRETARY TO GOVERNMENT, CAPE COLONY.

Port Natal, 8th September, 1844.

SIR,—On the afternoon of the same day on which the old Raad assumed their sitting, a committee of that body met, when they addressed to me the letter I have now the honour to enclose, wherein, to my surprise, I found they had adopted the measure of forcibly ejecting the Kafirs, which I knew was contemplated by the rejected members. It being late when this reached me, I wrote to the secretary in reply early on the following morning (2), giving my reason for objecting to the resolution they had passed, and which I expected would have satisfied them of the necessity of abstaining

from the step proposed; but in this I was mistaken. Pressing business requiring my presence at Natal, I left Pietermaritzburg on the 6th, and yesterday received a letter from thence informing me that the Commission Raad had met late on the 5th to consider my letter, and had determined to set it aside and adhere to their resolution of expelling the Kafirs, having directed the landdrost to give instructions to the fieldcornets accordingly. On hearing this, Captain Kyle immediately proceeded to Mr. Zietsman to ascertain whether he had been rightly informed, when he was told by that person that such was the case, but that he was not going to enforce it yet, and would postpone it if possible until the end of the year, as it could only be legally done through him; but he added that the Raad had appointed one D. Pretorius, a blacksmith, commandant, and had given him orders to warn the Kafirs to quit the farm of the ex-Commandant Pretorius—no doubt instigated by that person, who has been unceasing in his endeavours to cause excitement on this subject, and is, I believe, one of the most evil-disposed persons in the community.

This determination on the part of the Raad to persist in a step which they cannot but be aware will lead to the most serious consequences has been done, I feel satisfied, with a view to bring about a collision; for to eject the natives in the manner proposed they know to be impossible, since many are fugitive Zulus who would do anything rather than return to their country, being certain that death awaited them if they did so. Besides, this is the planting season, and most of their corn is in the ground, so that the time is ill-chosen, even were the step contemplated just or feasible, which it surely is not.

Under these circumstances I consider it to be my duty to oppose the execution of the measure, and am about to send off the enclosed letter (3) as a last effort to stop it by pacific means; but I much fear these will not be successful, as I imagine this scheme has been adopted less with a view to the removal of the Kafirs than to the chance it affords to the disaffected of producing disturbance in the country.

Assuredly the state of affairs here deserves every consideration, and in my opinion the longer the establishment of a government is withheld, the greater will be the difficulties to contend with when it is put into operation.—I have the honour, &c.,

(Signed) J. C. SMITH, Brevet-Major,  
Commandant of Natal.

ACTING SECRETARY TO VOLKSRAAD TO MAJOR SMITH,  
COMMANDANT OF NATAL.

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Pietermaritzburg, 3rd September, 1844.

SIR,—As several memorials have been sent in to the National Council containing complaints of numerous robberies and other inconveniences suffered from the Kafirs, and as it has been urged most strongly and upon well-founded reasons by ninety-eight of the inhabitants, that all Kafirs who came in after the arrival of Her Majesty's troops at Port Natal should be removed in the best possible manner, whereby they represent that they will have more security for their persons and property, and thefts would then be much easier discovered,—therefore the National Council, after having taken into consideration the well-founded complaints of the memorialists, and that their request is in no way opposed to the treaty entered into with Lieutenant-Colonel Cloete, have resolved as follows: That all Kafirs who have come in and resided here from beyond the Tugela and elsewhere since the arrival of Her Majesty's troops at Port Natal, shall receive intimation that within fourteen days from such notice they are, with all their property, to return to those places from which they have thought proper without any permission from the authorities to come and reside here; and should they (contrary to expectation) not comply with that notice, measures will then be adopted to oblige them to obey it. I have also been directed by the National Council to acquaint you with the resolution they have arrived at, and in the most friendly manner to request your co-operation, as well with regard to the notice as the removal (which is most necessary); whilst I have the honour to be, with the greatest respect, &c.,

(Signed) P. H. ZIETSMAN, Acting Secretary.

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MAJOR J. C. SMITH TO SECRETARY TO VOLKSRAAD.

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Pietermaritzburg, 4th Sept., 1844.

SIR,—I have the honour to acknowledge the receipt of your letter of yesterday's date, conveying to me a resolution entered into by the Volksraad to compel the Kafirs who have settled themselves in this country since the arrival of Her Majesty's troops to remove from it within fourteen days of their receiving notification to do so; and requesting me at the same time to co-operate with them in carrying this resolution into effect.



In reply to this communication from the Volksraad, I request you will inform them that I regret being under the necessity of withholding my sanction from the sweeping measure of removal which they contemplate, and chiefly for the following reasons:—

1. The question respecting the location of the natives is at present under consideration of Her Majesty's Government, and therefore any step now taken would be premature.

2. The inexpediency of entering into a measure of such magnitude, and which is likely to throw the whole country into commotion at a period when a permanent civil establishment for the colony is in course of formation, and when the arrival of a Governor who will be in possession of the views of Government on the subject, and whose proper duty it will be to see them duly carried out, may be shortly expected.

3. The impossibility of ascertaining what Kafirs have removed into this country within the time specified in the resolution (that is, since the arrival of Her Majesty's troops) unless a calm and dispassionate enquiry by competent persons be previously instituted, and the danger there is that loss of life will result should no such precaution be adopted; and this can be best effected by a Governor aided by the civil authorities.

In conclusion, I beg to observe that, although I could adduce many other reasons for considering it right to withhold my consent to the resolution passed by the Volksraad, I think it unnecessary to do so, as I cannot but hope that the good sense of that body will lead them to perceive the evil that must arise from involving the country in a state of commotion at a moment when a permanent form of government is on the eve of being established, and possessed, as it necessarily must be, of better and more efficient means of carrying into effect such measures regarding the natives as it may see fit to adopt.—I have the honour, &c.,

(Signed) J. C. SMITH, Brevet-Major,  
Commandant of Natal.

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MAJOR J. C. SMITH, COMMANDANT OF PORT NATAL,  
TO THE SECRETARY TO THE VOLKSRAAD.

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Pietermaritzburg, 8th September, 1844.

SIR,—It having been communicated to me that the Commission Raad had determined at their sitting on the 5th instant to adhere to the resolution they had passed of compelling all Kafirs who had

settled in this colony subsequent to the arrival of Her Majesty's troops to remove from it, notwithstanding the reasons I assigned to that body for withholding my consent, I deem it my duty, in virtue of the authority reposed in me, absolutely to forbid any such step being resorted to; and I have to request you to inform the Volks-raad that, in issuing any instructions to carry it into effect, they are exceeding the power with which they are intrusted, and acting in violation of the proclamation of 12th May, 1843; a measure of such magnitude and difficulty, and which is likely to lead to many serious consequences, being one on which the Government alone are competent to decide.

The letter I had the honour to receive from you enclosing the resolution of the Raad, together with my reply, I shall forward to His Excellency the Governor, and await such further instructions as he may be pleased to communicate to me on the subject.

I have, &c.,

(Signed) J. C. SMITH, Brevet-Major,  
Commandant of Natal.

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DESPATCH FROM HER MAJESTY'S MINISTER  
AT THE HAGUE.

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[Confidential.]

The Hague, 23rd September, 1844.

The Earl of Aberdeen, &c.

MY LORD,—With reference to your Lordship's despatch No. 9, of 10th instant, directing me not to discourage any advance which may be made to me by Mr. Swart, the director of a society existing at Amsterdam for the protection of the religious wants of the inhabitants of Natalia, I have the honour to report that on the 16th instant I had an interview with Mr. Swart at Amsterdam.

I told Mr. Swart that I had seen a letter which he had written upon the subject of supplying the Boers at Natalia with religious instruction, with schoolmasters and books.

Mr. Swart said that he was a member of a society which took a deep interest in the well-being of those people, and that he with some friends did embark in a scheme—which, however, had utterly failed—for sending a clergyman, a schoolmaster, and a supply of books to Natalia: that these persons embarked for that country on board the ship "Brazilia:" that this vessel carried also an adventure in merchandise belonging to himself and his friends—that it

had been said that she carried contraband of war besides lawful goods : but, said Mr. Swart, "here is the invoice of the cargo, and I declare to you that, so far as I and my friends were concerned, the only warlike stores which we shipped consisted of a few rifles and shot guns for hunting. By this speculation I lose sixteen thousand florins, and, what is more valuable, three years of precious time." I asked Mr. Swart what had induced him to deal with persons who were known to have taken up arms against Her Majesty's authorities. He said that some years ago letters had been addressed to him by the Boers of Natalia respecting their religious wants—that he was told that he might freely communicate with them, for they were on the point of establishing their independence; "and these documents," continued Mr. Swart, "were forwarded to me."

He then produced three papers: the first purporting to be a grant by a native chief of part of Her Majesty's possessions in South Africa, in and about Natalia, to certain leading men amongst the Boers for services rendered by them to him. This paper was the original grant.

The second paper was a map delineating the geographical features of this grant.

The third was a proclamation assuming to have been issued by Sir G. Napier to the revolted Boers, promising independence to them under the protectorate of England. This paper was written in Dutch, but I did not read it.

"Upon the rights conferred by these documents," said Mr. Swart, "I and my friends have acted, and it has been our wish to see the independence of these Boers of Natalia established under British protection. We trusted also to maps published in England for giving us correct information respecting boundaries. Here is an English map describing Natalia as independent; and under the belief that England had never claimed and had no right to Natalia, the 'Brazilia' was sent thither. We have since learned that Great Britain has claimed all that part of Africa which lies to the southward of the 26th degree of S. latitude, and we are now convinced that any further struggle for independence by the Boers must be fruitless; and we did, some time ago, counsel them to come into terms with the British authorities, because we are persuaded that the Boers, if they cannot acquire independence, will be nowhere so happy as under British rule. Myself and friends do not, however, intend to abandon our efforts to afford spiritual instruction to these people, and in this we hope to be seconded by the British Government."



I replied that if the society of which he is a member had an honest desire to serve the Boers in the way he described, I had no doubt Her Majesty's authorities would meet him in a like spirit; that I would consent to receive and would transmit to my Government the plan which the society of which he was a member had in view for the better education and instruction of the Boers of Natalia, but that I could not promise that my Government would either act upon or even notice it.

The foregoing account contains the principal topics of the conversation betwixt Mr. Swart and myself. I have learned, amongst other information connected with this subject, that the Boers of Natalia have always addressed Mr. Swart as "Father," and I am convinced, from certain expressions that fell from Mr. Swart, that both himself and his friends have ardently desired the establishment of the Boers at Natalia as an independent, 'quasi' Dutch colony. The religious zeal of Mr. Swart appears to me to be accompanied by much worldly calculation. Some allowance must, however, be made from Mr. Swart's position. The native of a city which exists entirely by trade, it was perhaps natural that he should attempt to defray the outfit of his missionaries by a mercantile adventure; but I cannot think that he is so grossly ignorant of the rights of nations as to have cheated himself into the belief that the documents which he showed to me gave to the Boers of Natalia a right of independence, and to himself the right to interference in their affairs. In conclusion, I would beg to state that Mr. Swart and his colleagues intend to persevere in their endeavours to supply the Boers of Natalia with religious instruction, with pastors, and with schoolmasters, and it will be for Her Majesty's Government to determine whether, in authorising the measure which this society may contemplate, they can exercise a thorough surveillance and control over the persons and publications which may be sent from Holland to South Africa.

I have the honour, &c.,

(Signed) JAMES HUDSON.

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MAJOR SMITH TO SECRETARY TO GOVERNMENT,  
CAPE COLONY.

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Pietermaritzburg, 24th September, 1844.

SIR,—With reference to the letter I had the honour to address to you respecting the resolution passed by the Volksraad for the expulsion of the Kafirs, I now beg to acquaint you that it was inti-

mated to me, through their secretary, that my communication would be taken into consideration on the 21st instant, previous to which I had thought it right to send them the enclosed note (1) in order to show that there was a desire to aid them to any reasonable extent as regarded the grievances they complained of. Meeting on that day, they decided on sending a deputation to me to state, in the first instance, that it never was the intention of the Raad to carry their resolution to extremes, knowing it to be impossible, but to take some measures to protect the farmers from the annoyances arising from the increasing influx of Kafirs to their farms, and to prevent as far as practicable their further migration into the colony from the Zulu and other bordering countries. Perceiving they had adopted a more reasonable tone, and being aware that their complaint was well-founded as regarded the constant removal of the natives from their original kraals to places on the farms, which incommoded the farmers extremely, I told the deputation that I would take measures to cause such Kafirs as had changed their residence within the last six months to return to that from whence they came, unless their stay was sanctioned by those on whose property they had recently located, but that I would not allow them to be driven from the country; and that although the veldcornets might warn the new comers to quit within a given time, they were to take no further steps, but to leave the task of ejectment to myself alone.

Such is the measure which I have been led to adopt from considerations of the utmost importance to the peace of this colony; and I will now proceed to show that, had it not been taken, there was every probability of the farmers resorting to steps which would have produced an infinity of mischief, and have possibly caused another rebellious outbreak. In my communication of the 4th instant, I mentioned the very seditious line of conduct pursued by the newly-elected members of the Volksraad, and that in consequence of their refusal to take the oath the old members had determined to continue in office. But these persons, aware of the odium they had brought on themselves by taking this step, were determined to retrieve their popularity, if possible, by the adoption of some measure that would be gladly received by the Boers, and hence their sweeping resolution respecting the Kafirs,—a resolution the carrying out of which, as their deputation admitted to me, they knew to be wholly impracticable. My absolute refusal to accede to it in its original shape led to much angry discussion among the members; and while the matter was pending, a calamitous event

occurred which raised the excitement on the subject of the Kafirs tenfold. A young Boer named Van Coller, accompanied by his father and thirteen others, went to a kraal on the further side of the Tugela for the purpose either of warning or compelling the Kafirs to leave it. These people on perceiving the Boers took to flight, when Van Coller pursued one of them down a kloof, who on finding there was no chance of escape stood, and on the Boer dismounting stabbed him twice in the side with an assagai, but was himself immediately killed by the discharge of Van Coller's gun. The latter was borne off by his friends, but died shortly afterwards, and this untoward occurrence has enraged the Boers against the Kafirs to an extraordinary degree. The resolution of the Volksraad, therefore, I knew they would eagerly seize upon as affording them the means of avenging themselves on that people; and hence I was determined to prevent, if possible, any attempt on their part to carry it into effect. I could not but perceive, however, the probability there was, in the event of my prohibiting any step whatsoever being taken respecting the natives, that the farmers in their present excited state would resort to some violent measure, and that although able to coerce those within a reasonable distance of Pietermaritzburg there were numbers beyond my reach who might commit any act of outrage with impunity. When I found, therefore, that the Volksraad had rescinded the resolution I objected to, I thought it proper to take the measure which I have already detailed, it being one I knew would be satisfactory to the farmers, at the same time that it was not unjust to the natives, since they have been repeatedly warned by me to remain stationary, and not move from place to place as their caprice dictates. But, while acceding to this step, I took care that the veldcornets should not be the persons to carry it into effect; so that the removal consequent upon it will be both limited and gradual, as I shall employ an officer to make the requisite enquiries, with a view to ascertaining as nearly as possible those who come within scope of its provisions.

I have thus detailed for His Excellency's information the step which I have thought it necessary to take; and although I could have wished that his approval might have been previously obtained, I considered the circumstances of the case such as to warrant its immediate adoption. In fact, the Kafir question in this colony is hourly assuming a shape of greater complexity; since in addition to the difficulty of managing the already numerous but scattered native population, there is the still increasing influx of the bordering



tribes to contend with, whose entrance into the country it is utterly impossible to prevent.

I enclose the amended resolution forwarded to me by the Volksraad (2), as well as a copy of my reply (3), in which I have pointed out the extent of my authority as regards the natives; Mr. Otto and other members of the Raad having contended that they had not only a right to make the original resolution, but also to carry it into effect, had they so chosen, without reference to the Government.—I have the honour, &c.,

(Signed) J. C. SMITH, Brevet-Major, 27th Regt.,  
Commandant of Natal.

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#### MAJOR SMITH TO MR. BODENSTEIN.

Pietermaritzburg, 20th September, 1844.

SIR,—I have to request that you will inform the Volksraad their meeting of to-morrow, with reference to the letter I addressed to you on the 8th instant, that although I consider it my duty to refuse my sanction to the resolution they thought fit to adopt, it is by no means my intention that the Kafirs should be permitted to remove from place to place, so as to interfere with or give annoyance to the farmers, but that they should remain stationary until the Government have decided on the measures to be taken respecting them. When cases of fresh removal on their part occur, to the detriment of those possessing farms, it is my wish to be made acquainted with the circumstance, with a view to steps being taken to remedy the grievance complained of.—I have the honour, &c.,

(Signed) J. C. SMITH, Brevet-Major, 27th Regt.,  
Commandant of Natal.

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#### EXTRACT RESOLUTION.

Whereas the Honourable Volksraad, by a resolution of the 3rd September, 1844, has determined that all Kafirs who since the arrival of Her Majesty's troops have come within the limits of this colony, be commanded to return to the places from which they migrated, and upon refusal to be compelled to do so; and whereas the Volksraad has taken into consideration the letters of Major Smith dated 8th and 20th September last, and having considered the question in all its points, has not been able to come to a satisfactory decision, it is resolved to send Messrs. A. W. J. Pretorius,

P. R. Otto, and W. A. van Aardt as a deputation to Major Smith, in order on the part of the Volksraad fully to consult with him, and in the clearest manner to point out to him that, notwithstanding the resolution passed by the Volksraad on the 3rd September concerning the Kafir tribes in general, the Raad had no intention to carry this measure into full operation, but merely to counteract this stream of immigration, and to protect the inhabitants from the insupportable nuisance of the Kafirs; and after the return of the deputation from Major Smith, the Volksraad resolved to make the following amendment in said resolution, viz.: To warn through the fieldcornets those Kafirs to remove who have settled themselves during the last six months upon the farms of the inhabitants, or who may be troublesome to the inhabitants, as well as of those farms within the limits of the village; and if notwithstanding this warning they should still refuse to comply, such fieldcornet shall make a report to the landdrost, who will communicate it to the commandant, to enable him to take such steps for their removal as he shall see fit.

The fieldcornets shall also stop the further immigration of Kafirs, and in case of non-compliance shall report the same to the landdrost.

(Signed) P. H. ZIETSMAN, Acting Secretary.

Pietermaritzburg, 23rd September, 1844.

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#### MAJOR SMITH TO THE SECRETARY OF THE VOLKSRAAD.

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Pietermaritzburg, 24th September, 1844.

SIR,—While acknowledging the receipt of your communication to me, enclosing the amended resolution of the Volksraad, there is one observation with reference to the subject it involves which I think it right to make in order to avoid future misconception, and it is as follows:—

The instructions I have received from the Government respecting the native tribes in their relation to the emigrant farmers leave to me, as the enclosed extract will show, the consideration of the question in its more important bearings, and I therefore beg you will make known to the Volksraad that, although I am ready at all times to receive and give my best attention to such suggestions as they may see fit to make on the subject, I reserve to myself the right of acting

upon them or not, according as they appear to me calculated to advance or retard the objects which the Government have in view in the settlement of this colony.

Except in one or two unimportant points, I see no objection to the resolution in its amended shape.—I have the honour, &c.,

(Signed) J. C. SMITH, Brevet-Major,  
Commandant of Natal.

MAJOR J. C. SMITH TO THE HON. J. MONTAGU,  
SECRETARY TO GOVERNMENT (CAPE).

Pietermaritzburg, 29th September, 1844.

SIR,—I had yesterday the honour to receive your communication of the 28th ultimo, and beg to state in reply that I have every reason to believe the step taken by me, as detailed in my letter of the 24th instant, will have the effect of quieting the minds of the farmers, at the same time that it will cause no material change in the position of the native inhabitants. I shall, however, use every exertion to keep matters in a peaceable state until the arrival of those charged with the establishment of a permanent Government for the colony.

In a former letter I alluded to a report having been received from the party that went towards Sofala. I now learn their journey extended no further than Delagoa Bay, and that the authorities there forbade them locating nearer the settlement than thirty hours. They describe the country as good, but fatal to horses, and therefore I think it probable but few will migrate thither.

It was my intention to have brought under the notice of His Excellency the mischief caused among this ignorant people by a paper lately established here, called the *Natalier*. It is edited by an unprincipled Frenchman of the name of Boniface, and I enclose one number to show the seditious spirit in which it is written.

I have the honour, &c.,

(Signed) J. C. SMITH, Brevet-Major,  
Commandant of Natal.



TRANSLATION OF ARTICLE IN THE "NATALIER," 13TH SEPTEMBER, 1844.

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"The Charter, the whole Charter, and nothing but the Charter. Whoever seeks to violate or put aside the Charter commits perjury."—*Address of General Foy in the Chamber of Deputies in France.*

NEVER had the Council of Pietermaritzburg—so pomposly called "Volksraad" (Council of the People)—during the three days of their last sitting, given to their constituents such a clear proof of their surrender of all republican principles, all thoughts of independence. The Natalian settlers can have no further doubt in that regard. It still remains to be investigated whether their conduct towards the newly-chosen members, who have been so imperatively rejected by them, can be justified according to the spirit of their Constitution, or rather according to the principles of a sound policy. The same Volksraad formerly chosen by the people, but which now appears to have fixed themselves into a permanent Government in spite of the law even which has created them, and which conceded to them a duration of one year only,—that Volksraad which the same people now dissolve: first on account of their number being incomplete, secondly because the period of their functions has expired, and thirdly because the people which they are supposed to represent are not disposed to acknowledge them any longer,—that Volksraad, we say, finding themselves on the point of being dismissed, declare openly that they will not vacate their places for the new members before these shall have given them proof of submission by accepting conditions and taking an oath which had never been required from them, and of which they are only the inventors.

Notwithstanding our insurmountable aversion to democratical government, particularly if the elements of it be of the same nature as those by which we are surrounded, and also in spite of the fear which we should feel for a state of anarchy, we cannot refrain from acknowledging that in this proceeding of the Volksraad a germ of despotism is apparent which it becomes our duty to recommend to the people to extirpate as speedily as possible. Perhaps it was fortunate for this ambitious Volksraad that the steel of the English bayonets glittered at so short a distance in the eyes of the newly-elected members when the reins of government were thus refused to them; for, judging from the well-known state of feeling of some of the patriots, it is more than probable they would not have evinced so much patience upon that occasion. Certain it is, at all events, that in every other country where the Government is left to the

election of the people such an insult, such contempt of the wish of the community, would not have remained unpunished.

We intend in our next number to expose to the public the arbitrary and despotic resolutions of the Volksraad of the 2nd of this month. But in order to render our remarks intelligible to everybody, we consider it both advisable and necessary to lay the whole account of the discussions under the eye of the colonists, and especially of the insulted electors: for which reason we set apart as much space in our paper of this day for that account as we could with propriety spare. This public after perusal thereof will fail as little as ourselves to observe that, if it were actually the case that the new members had to swear to another form of oath than that which the old members prescribed for themselves since the 1st July, it was the duty of the Secretary of the Volksraad to have informed all the electors thereof in writing, and in sufficient time in order that electors and those elected might take into consideration the propriety or not of the step which they have now blindly ventured upon, and save themselves the fatigues and expenses, as also the unpardonable insult which their fellow-countrymen and former friends of Pietermaritzburg—whose cunning and duplicity they little suspected—had reserved for them. We therefore request such of our readers to whom the publicity of our sentiments is not entirely indifferent to wait until next Friday.

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LORD STANLEY TO SIR P. MAITLAND.

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Downing-street, 2nd October, 1844.

Lieut.-General Sir P. MAITLAND, K.C.B., &c.

SIR,—I have the honour to acknowledge the receipt of your despatches Nos. 46 and 49, of the 21st and 24th of June, with their enclosures, relating to the ground required for military purposes at Port Natal, and between that place and Pietermaritzburg.

It is to be regretted that you did not investigate and report to me your opinion upon the various points upon which Her Majesty's late Commissioner to Natal seems to be at issue with the officers of the Ordnance Department, and upon which it is impossible for Her Majesty's Government as at present advised to pronounce any opinion.

I have therefore to desire that you will take the whole subject into proper consideration. It must be needless to point out to you that, under the peculiar circumstances which have accompanied the settlement of Port Natal, its tranquillity and prosperity, if not its

existence, must depend upon its having military protection. Your military judgment and experience will enable you, of course, to point out the extent of the ground which you may think necessary to be retained for military purposes, including the posts of defence and the sources for obtaining building materials.

But it must also be borne in mind that, until the settlement shall be so far advanced as to possess the convenience of ordinary markets, the garrison will be dependent on uncertain supplies and the Military chest liable to exorbitant charges, if means be not now reserved of obtaining a supply of water, fuel, and pasture for live-stock. Upon these grounds I cannot but think that you will act judiciously in reserving ample space for the supplies of the troops.—I have, &c.,

(Signed) STANLEY.

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J. STEPHEN, ESQ., TO VISCOUNT CANNING.

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Downing-street, 9th October, 1844.

Viscount CANNING, &c., &c.

MY LORD,—I have received and laid before Lord Stanley your Lordship's letter of 28th ultimo, transmitting a copy of a despatch from Her Majesty's Chargé d'Affaires at the Hague, reporting a conversation which he had had with Mr. Swart, a promoter of the society in Holland for the protection of the religious wants of the inhabitants of Natal.

Lord Stanley requests that you will observe to Lord Aberdeen that, if this society are prepared to take steps in accordance with and in subservience to the objects of the British Government, their services may be valuable; but if they undertake to act independently of the Government, they must not only expect no countenance, but they will not be permitted to carry on their labour.—I have, &c.,

(Signed) J. STEPHEN.

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SECRETARY OF STATE TO SIR P. MAITLAND.

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Downing-street, 31st October, 1844.

Lieut.-General Sir P. MAITLAND, K.C.B., &c.

SIR,—I have to acknowledge the receipt of your despatches of 4th and 20th June last, enclosing two reports from Mr. Cloete, Her Majesty's Commissioner at the Cape of Good Hope, upon the claims to land in the Natal territory.

My despatch of 29th July last will in some degree put you in



possession of the views of Her Majesty's Government on this subject. Mr. Cloete's reports are accompanied by three books, in which are entered the various claims he has investigated, divided into three classes, A, B, C, according to the arrangement which it was before decided should be adopted. His first report, dated 30th May last, refers only to the book containing a list of all such claims as he conceives to come under class A, and respecting which no doubt existed in his mind as to the fulfilment of the prescribed condition of occupation. The number of farms which he includes in this class is 198. With regard to the extent of the grants to be issued, it is sufficient for me to remark that I see nothing in Mr. Cloete's communication to induce me to modify my former instruction that no grant in respect of past claims should exceed 1,500 morgen. In fixing the limits to farms which may trench on each other, Mr. Cloete recommends that claims founded on length of possession should be preferred to those founded on title deeds issued by the Volksraad. By reducing the grants to 1,500 morgen, no such cases of dispute are likely to arise; but should they occur, I approve of Mr. Cloete's suggestion, as the authority under which title deeds were granted and the right of possession under them has not been recognised by Her Majesty's Government. With respect to the tenure on which lands should be held, Mr. Cloete repeats his former recommendation that it should be on quitrent; but that the present ground rent of 18s. for every farm of 3,000 morgen should be raised to £2 10s. for every farm of that size, and be made redeemable at twenty years' purchase.

You will observe that the quitrent of £2 10s., redeemable at twenty years' purchase, would amount to £50, which is the same sum that I have already proposed should be paid on each deed of grant for 1,500 morgen, including the expense of survey and the issuing of title deeds. The question here presents itself whether there is sufficient in Mr. Cloete's reasoning to lead me to modify that proposal so as to admit of the option of a quitrent where the claimant is unwilling to pay so large a sum at once as £50, or whether in such cases the parties should merely be allowed the option of obtaining a smaller grant at a proportionately reduced fee. Considering that 1,000 acres might thus be obtained for the small sum of £16 13s. 4d., I am induced to adhere to my former opinion that any further facility for acquiring a title deed is not necessary or advisable.

In the 198 cases included under class A, I am of opinion that grants to the extent of 1,500 morgen should issue upon a payment of

£50, or grants of a proportionately less amount on payment of a smaller sum. Mr. Cloete proceeds to observe that there is one farm, called "Little Seacow Valley," in class A, the title to which has been called in question. The view taken by Mr. Cloete of this case appears to be fully borne out by the evidence which he has collected and forwarded on this subject, and I am of opinion that his recommendation that the title should be confirmed to Cornelius Tobias Vermaak should be adopted. Besides the 198 farms entered in class A, it appears that there are about seven or eight others which Mr. Cloete found would be entitled to be admitted within that class, but of which the occupiers have shown an obstinate determination not to register their claims, although they were warned that this proceeding was necessary to entitle them to the benefit of their present occupation. I am unable to agree with Mr. Cloete in his conclusions as to these parties, but perceive an additional reason for acting with firmness in carrying out the principles of the measure explained in the proclamation of 12th May, 1843. I have, therefore, to desire that you will cause a formal notice to be given to these parties that if they neglect to register before a certain day to be fixed by you they will incur the penalty of forfeiture.

Having now considered the different points connected with the list of farms comprised in class A, I proceed to notice the other two classes, B and C, which do not come within the terms of the proclamation. The class B comprises a list of all the farms throughout the Natal district (173 in number) which were found to have been partially occupied, but which the claimants had been compelled to abandon for various reasons. I agree with Mr. Cloete that the whole of these claims should be admitted—subject, of course, to the same reduction in size as that which has been approved of for claimants in class A; and I leave it to the discretion of the officer administering the Government on the spot either to impose an additional fee or to diminish proportionately the extent of the grants, as may seem best for the public interest and for the satisfactory settlement of the claims. In this decision I equally include the six last claims in the class, without making any difference in consequence of a slight distinction which Mr. Cloete points out in these cases. The volume marked C contains a list of all farms (66 in number) which have been purchased but not occupied. With regard to this class of claims, Mr. Cloete suggests that if the claimants have not entitled themselves to grants their purchase money should be returned to them.

In my despatch No. 97, I stated at length my reasons why such a proposal should be rejected, and I see nothing in the present papers to induce me to modify that opinion. It is hardly necessary to observe that if the parties who have paid a valuable consideration for farms are not deemed to have any claim to compensation, those claimants who have only given land in exchange, and who Mr. Cloete also suggests should receive the average price of the unoccupied farms, are equally not entitled to favourable consideration.

There remains one more class of claims of a merely analogous nature to the two last to be considered.

These are the claims of parties who hold title deeds issued to them by the Volksraad, and who have paid the fees of inspection and enregistration, but who confessedly have not occupied the farms claimed by them. No less than 120 claims of this nature have been preferred. Mr. Cloete proposes, as many of these people are in a state of destitution, and will consider it a great grievance if the money be not returned which they have paid to the Volksraad for the inspection and title deeds of the farms, that the sum of £5 should be allowed to each as an indemnity for all expenses incurred in regard to obtaining such grants; but that this favour should be confined to those who are not in possession of any other lands. Under the circumstances mentioned by Mr. Cloete, I do not object to such a course.

In concluding his report, Mr. Cloete submits that four exceptions may be made to the rule of considering occupation as the only ground for the admission of the present land claims in favour of two orphans and two widows. The sole ground upon which exception is asked in favour of these parties arises from the sympathy and compassion which cannot but be felt on reading the sufferings which they have endured, and from their present destitute situation. On the other hand, the very same circumstances must disable them from making use of grants of land; and whatever may be the private feelings raised by such cases, it is scarcely necessary to say that the waste lands of the Crown are not proper means of providing for charitable objects.—I have, &c.,

(Signed) STANLEY.



## LORD STANLEY TO SIR P. MAITLAND.

[Confidential.]

Downing-street, 15th November, 1844.

Lieut.-General Sir PEREGRINE MAITLAND, K.C.B., &amp;c.

SIR,—With reference to my despatch No. 93, of 13th July last, containing my instructions on the question of permitting natives to be removed from the district of Natal with a view to their employment by farmers in the Cape Colony, I now transmit for your information, pending your reply to the above despatch, the copy of a report from the Land and Emigration Commissioners on the communication addressed to the Colonial Secretary by the Rev. Mr. Grout, which you forwarded in your despatch No. 38, of 17th June last, relative to the settlement of the natives in the Natal territory.

I have, &amp;c.,

(Signed) STANLEY.

## REPORT FROM LAND AND EMIGRATION COMMISSIONERS.

Colonial Land and Emigration Office,  
31st October, 1844.

J. STEPHENS, Esq., &amp;c., &amp;c.

SIR,—We have the honour to acknowledge your letter of 21st ultimo, enclosing the copy of one addressed by the Rev. Mr. Grout, the Government Missionary at Natal, to the Colonial Secretary at the Cape, on the subject of the settlement of the natives in the Natal territory. We beg leave to report that Mr. Grout appears to us to coincide in many of the suggestions made by Mr. Cloete on this subject in his letter of 10th November, 1843, on which we had the honour to report on 24th June last. There are, however, a few points on which he does not concur in Mr. Cloete's recommendations, on two of which we shall submit some remarks before concluding this report.

The most important part of Mr. Grout's communication is in reference to his offer to take charge of a station on the River Tongaat. He describes minutely the boundaries of the land which he thinks should be granted for this location, and considers that its extent ought to be 100,000 acres, to contain 12,000 inhabitants. He proposes that titles to land should be granted to the aborigines after twelve months' residence on the spot, by whom for thirty years land should be exclusively held within the district; that 2,000 acres should be secured in fee simple for the use of the mission; that, as

villages are formed, eight acres in each should be allotted to the schoolmaster; and that no white man should be allowed to reside on the station unless sanctioned by the head missionary or appointed by Government.

On this plan we would remark that, having expressed in our report of 24th June an opinion favourable to the removal to separate locations of those natives who had but recently arrived within the territory, if it should be found practicable to effect such a measure, we shall be glad if Lord Stanley should think proper to instruct the Government of the Cape that the experiment may be made. But with regard to the space which Mr. Grout has suggested should be set apart for the settlement, we beg leave to report that we feel great difficulty in determining exactly what should be the proper limits of the missionary station; and considering that the numbers of the Kafirs who may be located must be doubtful, we see no reason for giving any positive pledge at the present time as to the exact extent of the grant of land to be reserved for their use—which, however, we think ought not to exceed the proposed quantity. In determining the spaces to be left around them on which Europeans ought not to be allowed to settle, much will hereafter depend upon the degree of civilization to which these people may attain.

We would observe, however, with respect to the land to be specially reserved for the use of the missionaries, that we have always been opposed to landed endowments for objects of this kind, as tending either to interfere with the performance of higher duties when the land is cultivated by the missionaries, and when left uncultivated materially to impede the improvement of the settlement.

We do not, however, think the objections prevail in the same degree to the reservation of a small piece of land for the village schoolmaster, although we think a quantity less than eight acres would be sufficient.

If the attempt to form this location be successful, others may then be established according to the suggestion of Mr. Cloete, the sites for which within the boundary proposed by him do not appear to be objected to by Mr. Grout.

We sincerely hope that the laudable exertions of Mr. Grout may prove successful; but, as at present we must view the undertaking in the light of experiment, we think that any promise of grants of land should be quite conditional upon the formation of the settlements, and that if at any time they should be abandoned by the natives the land should revert to the Crown.

Before concluding this report, we would beg to draw Lord Stanley's attention to an objection raised by Mr. Grout to Mr. Cloete's suggestion in reference to a supposed recommendation by the latter that the natives should be removed without the British colony, "and that the people at the several locations should be placed under the authority of native chiefs." Mr. Grout suggests that they should be kept within the British settlement, and brought at once under British law.

We have carefully examined Mr. Cloete's report of 10th November, 1843, on this subject, and are of opinion that he means the locations to be within and not without the colony, and we are unable to find in it the expressions which are attributed to him by Mr. Grout. We observe, however, that in recapitulating his reasons against the proposal of the Volksraad for the removal of the whole of the Kafirs to one location, Mr. Cloete states in his fourth objection to the plan, "that this would soon lead to their having chiefs or leaders of their own, whose influence over such numbers might become dangerous in the colony." This expression is hardly consistent with the supposition that he wished the government of the people at the different stations to be entrusted to the chiefs; and if the expressions attributed to Mr. Cloete have been used by him they must have occurred in some other document. It is true that he suggested that the land round the kraals occupied by the old native settlers, which he thought ought to be secured to them, should be vested in the chiefs of such tribes or their descendants, in trust, for the use of all the inhabitants of such kraals as tenants in common. But the number of these original occupiers of the soil is very small, being under 3,000; and he certainly did not appear to entertain any objection to the authority of these chiefs being so far reorganised that they should become the trustees for the tribe of their kraals, and an allotment of land. It is possible that this observation, which is applicable to the original tribes, who are not to be disturbed, may have been understood by Mr. Grout to apply to the new locations.

We have troubled your Lordship with these observations in the concluding part of this report, as we are anxious to show that the opinions of two persons possessing considerable local experience generally agree upon a question of great importance to the future prosperity of the colony.—We have, &c.,

(Signed) JOHN G. SHAW LUFEVRE,  
C. ALEXANDER WOOD.



## GOVERNOR (CAPE) TO SECRETARY OF STATE.

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Government House, Cape Town,

23rd November, 1844.

MY LORD,—In your Lordship's despatch No. 81, of the 19th of June last, I am instructed to refund to the Military chest the sum of £1,623 18s. 0 $\frac{3}{4}$ d. which my predecessor had paid from it on account of the expenses incurred for a mission to the Natal territory.

Your Lordship will, I trust, pardon me for requesting further instructions upon this subject, under the impression that a reconsideration of the causes which led to that expenditure may induce your Lordship to relieve the treasury of this colony from that charge.

Your Lordship's despatch No. 186, of the 13th December, 1842, directed the appointment of a Commissioner for the Natal territory, who was to obtain information upon certain subjects for Her Majesty's Government, which was deemed requisite before any decision could be formed for the future government of that country, or for satisfying the demands of the emigrant farmers who had declared their allegiance to Her Majesty.

The steps taken upon that instruction were reported to your Lordship in Sir G. Napier's despatch No. 82, of 27th May, 1843, and No. 33, of 7th March, 1844. From them, it appears to have been imagined that your Lordship did not contemplate making the mission employed in the pacification of the Natal territory a charge upon the revenue of this colony, which impression your Lordship's despatch of the 6th September, 1843, No. 301, has tended to confirm. Under this impression, no provision for the charge appears to have been requested from the Legislative Council either before or since the mission proceeded, although the contents of your Lordship's despatch No. 186, of the 13th December, 1842, were communicated to that body in May, 1843.

From my knowledge of the sentiments of the members of the Legislative Council upon this subject, I feel satisfied that it is vain to hope for their sanction to the expenditure in question. They and the colony generally are under the belief (whether properly or not it is not for me to determine) that the original emigration of the farmers from the colony to Natal is attributable to the measures of the Home Government in 1834 for the abolition of slavery, and to the dilatory proceedings which occurred subsequently in awarding and paying the compensation money. They also entertain the opinion that the emigrant farmers would not have renounced their allegiance

to Her Majesty in 1842 but for the steps taken against them under instructions from your Lordship's predecessor in office, and that consequently the colony ought not to be called upon to defray the expenses of a mission for the pacification of the farmers, which was as necessary for the final settlement of the question and the establishment of a proper form of government as the troops were in the first instance for their subjugation.

I hope your Lordship will not understand me, in mentioning these particulars, to intimate my belief or concurrence in them. I do so merely to explain to your Lordship what my difficulties will be when I call on the Legislative Council to vote the money you have instructed me to refund to the Military chest.

If your Lordship should decide to charge the colony with the expenditure, I hope your Lordship will not object to my proposing it to the Legislative Council as a Government measure, as I can on that ground only request the support of the official members upon it, and even with their support, the official and unofficial members being equal, the measure can only be carried by my casting vote.

I have the honour, &c.,

(Signed) P. MAITLAND.

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MAJOR SMITH TO SECRETARY TO GOVERNMENT,  
CAPE COLONY.

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Pietermaritzburg, 30th November, 1844.

The Hon. J. MONTAGU, Secretary to Government.

SIR,—So little has occurred that seems worthy of communication since I last had the honour to address you, that my only object in now writing is to mention the continued tranquillity of the country. Some few removals have taken place, and these have chiefly been amongst the more evil-disposed, which is perhaps one of the causes of the unusual quiet which prevails. Beyond the Berg matters are still unsettled; and a Swedish naturalist of the name of Wahlberg, who has lately returned from an inland excursion, speaks in bitter terms of the farmers located there, whom he describes in very unfavourable colours. Possibly his view may be somewhat prejudiced, as he experienced much ill-treatment from them, although a man of most amiable and inoffensive character, and wholly absorbed in his pursuits. He states that the Portuguese are desirous the Boers should proceed to Sofala instead of Delagoa Bay, thinking the latter place too near this colony for them to carry on their slave-dealing

project with impunity. How far these reported intentions of theirs may be true remains yet to be proved ; but I think many will pause before they venture on a journey of such length, in which they are sure to encounter difficulties without being certain of success.

I have, &c.,

(Signed) J. C. SMITH, Commandant of Natal.

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MAJOR SMITH, COMMANDANT OF NATAL,

TO LIEUTENANT-GENERAL SIR PEREGRINE MAITLAND, GOVERNOR, &c.

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Pietermaritzburg, 30th November, 1844.

SIR,—I had the honour to receive on the 14th instant your Excellency's communication of the 22nd of last month, wherein I am directed to forbid the Volksraad acting upon their resolution to expel the Zulus from the territory of Natal. The letter addressed by me on the 24th September to the Honourable Secretary to Government, will have made known to your Excellency the steps which I thought it necessary to take on the Volksraad sending a deputation to me to represent the annoyances the farmers were subject to from the migratory habits of the natives. In that letter I have stated at large my reasons for the adoption of the steps referred to ; and I can only regret that existing circumstances should have rendered it inadvisable to await your Excellency's decision. The result, however, has been what I anticipated by taking all power out of the hands of the veldcornets and others. I have prevented any interference with the natives, except what is sanctioned by myself after a calm and dispassionate enquiry ; and as the measure involves no ejectment from the country, but merely requires those who have recently established themselves on farms unsanctioned by the owners to remove to their original locations, it has effected scarcely any change in their position.

I have to tender my thanks to your Excellency for the documents you did me the favour to enclose, and which I have found useful in preparing the minds of the people for the forthcoming arrangements. The country, I am glad to say, continues tranquil, and I trust will so remain until the Government shall have been established.—I have the honour, &c.,

(Signed) J. C. SMITH, Brevet-Major,  
Commandant of Natal.



## GOVERNOR (CAPE) TO SECRETARY OF STATE.

Government House, Cape of Good Hope,  
10th December, 1844.

MY LORD.—I have the honour to bring under Your Lordship's attention an occurrence, detailed in the accompanying documents, which recently took place at Port Natal, and which but for the prompt and judicious interposition of the Commandant, Major Smith, might have been attended with serious consequences.

It having been determined early in September last that the new Volksraad at Port Natal which had been previously elected should be sworn into office, the members of the new and the old Raads met, it being the duty of the president of the old to administer the usual oaths to the new members.

At this meeting all the new members, with one exception, refused to take the oath of allegiance to Her Majesty the Queen, or bind themselves to observe the arrangement their predecessors had entered into with the Government; and as they continued resolute in this refusal, declaring that they did not consider themselves British subjects, not having been parties to the treaty entered into by Colonel Cloete, nor to the arrangements more recently made by Her Majesty's Commissioner, the president refused to swear in the new members, whereupon the old Volksraad retained office and continued their duties as before, Major Smith having, in a letter addressed to the secretary, refused under the circumstances to recognise the new Volksraad as an official body.

In order, however, to neutralise a little of the ill-feeling which the rejection of the new members had given rise to, and to gain a degree of popularity, the old Volksraad passed a resolution to compel the Kafirs (Zulus) who had settled themselves in the Natal district subsequently to the arrival of Her Majesty's troops there, to remove from it within fourteen days of their receiving notice to that effect.

On becoming acquainted with this resolution, Major Smith endeavoured to dissuade the Volksraad from adhering to it by pointing out its unreasonableness and cruelty; but finding them still unmoved, he informed the Volksraad that, in issuing any instructions to carry their resolution into effect, they were exceeding the power with which they were entrusted, and acting in violation of the proclamation of the 12th May, 1843.

This proper step had the effect of inducing the Volksraad to

rescind its resolution; though I am convinced if Major Smith had not acted in the firm but temperate manner he did the result might have been very different.

I have communicated to Major Smith the intentions of Her Majesty Government in respect to Natal, in order that he might divulge them or such portion of them as he might think it desirable to make known.

I am happy to hear from him that the Boers are now more peaceably inclined; and I should not have deemed it necessary to have submitted to your Lordship the accompanying correspondence, had I not conceived it to be due to Major Smith that your Lordship should be made aware of his proceedings.

Your Lordship will see that mention is made by Major Smith of a report that the Portuguese at Delagoa Bay are encouraging the Boers to migrate thither from Port Natal, and have even given them permission to establish a dependent settlement in that neighbourhood, in order, it is imagined, to secure their assistance in procuring slaves, and reducing to a more abject and submissive state the native tribe in their vicinity. The enclosed extract from a letter of the Rev. D. Lindley, a missionary stationed at Pietermaritzburg, tends to confirm this report, for which I am inclined to think there is some foundation.

Your Lordship will perceive that the expectation of the establishment of a settled form of government at Natal had given much satisfaction.

I am fully impressed with the importance of this step; and so far as I am able I am, in accordance with your Lordship's recent instructions, making all the preparatory arrangements within my power; but to none of these can I give full effect until a Lieutenant-Governor is appointed, whose arrival here I am most anxiously expecting.

I have the honour, &c.,

(Signed) P. MAITLAND.

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GOVERNOR (CAPE) TO SECRETARY OF STATE.

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Government House, Cape of Good Hope,  
26th December, 1844.

MY LORD,—Adverting to my despatch to your Lordship of 10th instant, No. 128, reporting certain proceedings of the Volksraad at Port Natal, and referring also to information which had been received

respecting a proposal for the emigration of the Boers to Delagoa Bay, I have now the honour to request your Lordship's attention to the enclosed letter which has since been received from the Commandant of Port Natal, intimating that the Portuguese are desirous that the Boers should proceed to Sofala, instead of Delagoa Bay, for the reason therein mentioned.—I have, &c.,

(Signed) P. MAITLAND.

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#### ADDRESS TO SIR P. MAITLAND BY VOLKSRAAD.

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[From the "Zuid Afrikaan" (Cape newspaper), 4th February, 1845.]

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Pietermaritzburg, 6th January, 1845.

To His Excellency Sir PEREGRINE MAITLAND, K.C.B., Governor and Commander-in-Chief of the Colony of the Cape of Good Hope, &c., &c.

We, the undersigned, president and members of the Volksraad, consider ourselves called upon to convey to your Excellency a brief report of the state of this country and the increasing excitement of the inhabitants generally. It is now two years and six months ago that the agreement between ourselves and Lieutenant-Colonel Cloete was concluded by which the final disposal of our lands, the measures for the location of the natives, and the regulations respecting our future government were referred to Her Majesty's Government. Eleven months were passing in anxious expectation, not knowing what would be conceded to us as lawful property in lands, when Mr. Commissioner Cloete arrived here and threw little more light on the subject than we previously had. Sixteen months have now passed since we placed His Honour in possession of a detailed statement of our wishes, having been invited thereto by proclamation of His Excellency Sir George Napier, dated 12th May, 1843; and yet we are up to this moment left absolutely ignorant of the least particular of the resolves of Her Majesty's Government—not only in respect of our properties, but likewise of all other necessary arrangements. This infant settlement, which requires every encouragement, has thereby suffered more than your Excellency may be aware of; and instead of the cultivation and population thereof increasing, both have retrograded in such a degree that we shortly anticipate a total abandonment of it by the agriculturists; and the general discontent and suspicion which have been created by that neglect on the part of Government are so rapidly increasing that we



hope your Excellency will pardon us when we take the liberty, as in duty bound, to assure your Excellency that the injurious consequences which we shortly anticipate will be unavoidable, unless your Excellency shall be pleased to acquaint us, for general information, with so much of Her Majesty's decision as may have the effect of holding forth some well-founded hope or expectation by which contentment, confidence, and submission may be restored, and an encouragement given to those who impatiently abide the moment when they shall be enabled to commence their labours, not only for the support of themselves, but also for the general well-being.

Craving your Excellency's indulgence for the liberty we have taken, we beg to subscribe ourselves, with due respect,

Your Excellency's obedient and humble servants.

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### EXECUTIVE COUNCIL (CAPE COLONY),

FEBRUARY 3, 1845.

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\* \* \* \*

The Governor lays on the table a letter from the Commandant of Natal, 11th January, 1845, inquiring whether the Executive had received a letter from the Volksraad respecting final instructions as to settlement of the province.

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The views of Her Majesty's Government having been advanced as to the intended form of government of Natal, and communicated to the Commandant by the Attorney-General in his letter of 12th October, 1844, and made known to the public by the Commandant, though in a manner not actually official, and which, therefore, are generally known, and a Surveyor-General and staff having been appointed, the Council consider that it would answer no useful purpose to enter again upon the subject, which would only be to repeat what is understood, but recommends that the people be informed that no delay shall take place in the appointment of a Governor, and they recommend disposal of land on terms above mentioned.

## GOVERNOR (CAPE) TO SECRETARY OF STATE.

Government House, Cape of Good Hope,  
8th February, 1845.

MY LORD,—I have the honour to inform your Lordship, in reference to my former despatch of the 30th November last, that I have since received a communication from the Commanding Royal Engineer, in which he states that the sum of £3,000 which had been authorised by me for the completion of Fort Napier at Pietermaritzburg has not proved sufficient. I have, therefore, sanctioned the issue of a further sum of £1,639 7s. 8½d., in compliance with the requisition submitted to me.

In my former despatch, I stated the grounds on which the work was deemed necessary, and at the same time I transmitted a letter from the Commanding Royal Engineer, in which he explained why, under the circumstances, a regular estimate had not and could not be previously made. I have now the honour to transmit to your Lordship an estimate for the completion of the Fort, together with a full report from Lieutenant Gibb, Royal Engineers, upon the subject.

I have the honour, &c.,

(Signed) P. MAITLAND.

## COLONIAL SECRETARY (CAPE) TO W. STANGER, ESQ.

Colonial Office, Cape Town,  
17th February, 1845.

SIR,—His Excellency having been pleased, by a commission which I enclose, to appoint you to be Surveyor-General at Port Natal, in order to carry out the intentions of Her Majesty's Government on the measurement and appropriation of lands, and such other purposes as may come within your office, I am directed to convey to you the substance of the despatches which His Excellency has received from Her Majesty's Government in regard to the settlement of the land question on the recommendation of Her Majesty's late Commissioner (of whose reports I enclose copies), as also instructions for your guidance:—

1. The territory is to be bounded on the north-west by the Draaksberg or Kwahlamba Mountains; on the north-east by the River Tugela from its mouth to its junction with the Umzinyati or Buffalo River; and thence up the latter river to its source in the mountains. To the south-west his Lordship considers that one of

the many rivers which flow in a parallel direction from the mountains to the sea should obviously be selected as the boundary, and that care be taken not to extend the frontier eastward so as to include any district actually possessed or occupied by well-established tribes. \* \* \* The 12th article of the treaty recently entered into with Faku, the Amaponda chief, whose territories abut upon the Natal colony, and of which a copy is annexed, will probably put you in possession of more definite information on the west and south-west boundary line than any other information which it is in His Excellency's power to give; but as it is possible that by including a small portion of that chief's territory a better defined and more easily protected boundary may be secured than will be afforded by any of the rivers or intermediate lines above alluded to, steps will be taken on the receipt of your recommendation to enter into negotiation with Faku for the surrender of such portion of his territory as you may show to be indispensable for the attainment of the object in view.

2. *D'Urban*.—His Lordship approves of titles being issued, as recommended by Mr. Cloete, to 39 town lots to which claims have been established under the provisions of the proclamation of 12th May, 1843, at D'Urban (or the sea-port). Of these, 31 lots (estimated to contain  $38\frac{2}{16}$  acres) do not appear to have been paid for; and in their regard His Lordship directs that the original purchase money, with 25 per cent. added, shall be paid, exclusive of the expense of survey and title deeds.

3. *D'Urban*.—His Lordship further approves of a grant of 150 feet square being made for the Wesleyan Chapel at D'Urban, in lieu of the 300 feet which appear to have been marked out for the purpose.

4. Mr. Dunn and Mr. Cato (the latter as agent for Mr. J. O. Smith) having established their claims to lands situated about a mile from D'Urban, at a point near the sea, which has been occupied for military purposes, His Lordship admits these claims, unless the land shall be required for military purposes, in which event he authorises the claimants being allowed to select allotments of unappropriated land of equal value elsewhere to which equal objections do not exist; and His Lordship apprehends that these claimants will be entitled to some small compensation from the Board of Ordnance for the real value of the buildings erected by them—which, however, are represented to be in a very dilapidated condition.



5. *D'Urban*.—His Lordship approves of the grants to claimants Delegorgue and Van Aardt, as recommended by Mr. Cloete.

6. *D'Urban*.—His Lordship remarks that on general grounds it would be preferable that no sales of town allotments take place until something of a systematic nature by way of survey of the proposed town can be effected ; but, on the other hand, it may be impossible to withstand the pressure of the necessity which will probably have compelled parties to occupy sites on which to house themselves, and therefore sanctions, in cases where it may be essential, and where a well-defined demarcation of the lots may be made, the sale by public auction of town sections of about half or a quarter of an acre, or of smaller extent, at a minimum price of £100 per acre. At a moderate distance from some central point in the town, His Lordship observes the lots may be considered as suburban, and he therefore approves of their being sold by auction at such upset price as may be consistent with the locality, the capability of the land, &c., but not less than £1 per acre. These terms and sales previous to a regular survey are, however, only sanctioned to meet the cases of persons actually settled on the spot, to whom it would be in many cases a hardship, and perhaps a public inconvenience, to refuse an opportunity of acquiring ground which purposes of the first necessity may have required.

7. The area of the village of Congella is estimated by Mr. Cloete at  $5\frac{1}{2}$  acres, of which three remain to be paid for ; and His Lordship approves of the issue of grants upon the same conditions as the town allotments of *D'Urban*.

8. *Pietermaritzburg*.—From Mr. Cloete's account of the town allotments at Pietermaritzburg, it will be seen that 259 allotments had been occupied in terms of the proclamation of 12th May, 1843, and of any of those confirmed title will be given. There are also 16 lots the occupation of which has not been uninterrupted ; but His Lordship is disposed to give these claims a favourable consideration. Of the remaining 137 lots confessedly not occupied, it appears that 103 were granted by the local authority to former parties, and were purchased by the present claimants at prices varying from £30 to £5 ; that 29 were granted to persons now claiming, and five only purchased direct from the local Government. In respect to these 137 claims, His Lordship sanctions the issue of titles upon payment of a fine of £25 per cent. on the money proved to have been paid, whether to Government or individuals, to include survey and deeds of grant.

9. *Pietermaritzburg County*.—Certain lots being represented by

Mr. Cloete to be required for public purposes, and which had not at the period been occupied by the claimants, His Lordship has no objection to compensation in land to the extent of the purchase money paid by the parties claiming such lots.

10. *Pietermaritzburg*.—His Lordship has also approved of a confirmatory grant of 60 feet square to the owner of the water-mill at the upper end of the town; and of another (estimated at 600 yards by 300) about a mile out of the town, of which the claimant has been allowed possession for a mill, and in which he is stated to have constructed a watercourse at considerable expense.

11. And His Lordship further admits a claim of a German, named Pistorius, of a brickfield, of which, however, no grant by the Volksraad has been discovered; but in this case the limits should be settled as soon as practicable by the resident authority.

12. *Pietermaritzburg*.—As respects future sales of town allotments, His Lordship desires that the same principle shall be applied; but that, considering the inland position, he is of opinion that the minimum upset price there might be one-half that ordered for the port.

13. *Weenen*.—In the town of Weenen, 136 lots (about 450 feet by 150 in extent each) appear to be appropriated as follows:—Public market and buildings, 3 lots; Dutch Reformed Church, 3 lots; claimed and *bona-fide* occupied, 72 lots; claimed, not occupied, 5 lots; still unclaimed, 53 lots.

14. The rules for Pietermaritzburg shall be applied to Weenen, and a grant of three lots to the Dutch Reformed Church.

15. *Unoccupied Lands*.—A radius of three miles is granted for each town, and vested in the municipal or other authorities, reserving such portions as may be required for military purposes.

16. Grants to be issued to parties comprised in schedules A and B. C is rejected.

17. *Farms*.—His Lordship has suggested that the extent of the farms be limited to 3,000 acres for well-established claims and 2,000 to others—subject, however, to His Excellency's opinion, who has decided that the farms placed in A, which fell within the terms of the 9th section of the proclamation of 12th May, 1843, shall be granted to the claimants, not to exceed 6,000 acres; and in B, not exceeding 2,000, which is the extent fixed for all future alienations of land.

18. The expenses of the surveys and salaries ought to be borne by the claimants, and a payment of £50 should be required for 3,000

acres, which should include the redemption of the burger tax of 18s., cost of survey estimated at £11 10s., and the preparation of grant ; but His Excellency, having in view the scarcity of money in Natal, has decided that proposed grantees in schedule A shall be required to pay only the cost of survey, and receive their grant subject to a quit rent of £4 sterling for 6,000 acres, which they shall be allowed to redeem by a sum equal to fifteen years' purchase of the said rent ; and that in regard to the cases comprised in schedule B, the principle laid down shall be applied, except in particular cases, when it may be expedient to make an annual payment redeemable upon the same terms as in the larger grants, instead of an immediate payment of the larger sum.

19. As some time must elapse before the arrangements for the Government of Natal will be sufficiently advanced to admit of the establishment of public offices, His Lordship desires that the grants shall be prepared at the Cape, and signed by His Excellency.

20. Also that each grant shall contain a clause reserving to the Crown a right of making public roads through any parts thereof except those on which buildings may be erected.

21. As the grants will be executed in Cape Town, they will also be registered there ; but as soon as the proper offices are established the grants will be registered in Natal, and the whole land business transferred there.

22. *Native Locations.*—It has been proposed that, for the benefit of the natives in the territory of Natal on the first influx of the immigrants, and who have continued to occupy lands there, certain tracts should be inalienably vested in the chiefs in trust ; and that as regards those who have since that period entered and remained in the territory, six or more locations should be formed in the several districts for their residence. But as there may be some difficulty in inducing the natives to gather themselves into these separate locations, and many valid objections to the measure itself, His Excellency requests that you will give your attention to the subject, and report fully thereon, as well in regard to the probable public good or convenience to be expected, as to the propriety and practicability of alienating such extensive tracts as the measure will evidently render necessary. The accompanying letter from the Land and Emigration Commissioners, which has recently been transmitted to His Excellency by the Secretary of State, may possibly be of some assistance to you in the inquiry you will institute.

23. *Tugela and Bay of St. Lucia.*—You will bear in mind that no



settlement or grants of land will be permitted east of the Tugela, or in the country surrounding the Bay of St. Lucia, ceded to Her Majesty by Panda.

24. *Military Reserves.*—You will also observe that in all measurements, whether for the completion of grants or future sales, every care must be taken to avoid encroachment on land reserved for military purposes.

25. *Land Surveyors.*—You will be accompanied by four surveyors, and on their arrival you will employ them in the measurement of the towns of D'Urban, Congella, Pietermaritzburg, and Weenen, the regular laying out of the towns and the settlement of claims there appearing of the greatest importance.

26. *Trigonometrical Survey.*—Another chief object of your employment is to ascertain by trigonometrical survey the real extent of the territory, the most remarkable features of which, the courses of rivers, and all other particulars which may facilitate the measurement of farms and other subdivisions.

27. Whilst, therefore, the surveyors shall be engaged in the measurement of the towns as directed, you will ride over the country to make yourself acquainted with it, and to select the most central spot for the measurement of a base from which the surveyors may start upon the survey of the sections of country you may select.

28. As it would occasion considerable and, apparently, unnecessary inconvenience if the measurement of the farms were delayed until the trigonometrical survey can be completed, you will, after laying down such triangles as the nature of the country will permit, instruct the surveyors, on which all should be employed, to proceed to the measurements of the farms contained within the triangles already laid down, commencing in each instance with the most densely populated.

29. *Trigonometrical Survey.*—Before the departure of the surveyors, you will point out to them, as far as the nature of the country will permit, the features which should constitute the limits of their sections; and whilst at work you will visit them from time to time to observe how far their subsequent choice of boundaries is judiciously made, and whether the showing of one agrees with the other; and you will also generally give your advice and assistance to facilitate the operations.

30. The general survey ought to be made on the scale of one inch to the mile, which will facilitate subsequent operations by admitting the introduction of all the features of the country.

31. *Diagrams*.—You will instruct the surveyors to use as far as possible one general scale for their diagrams, and to make them as much alike as possible in style, as this will tend greatly to facilitate the work of the draftsman, and enable him to make a clear map of the country.

32. *Standard*.—As the standard measure for Natal will be British lineal and superficial, you will require the surveyors to compare and adjust their chains with the ten-foot rod.

33. *Tariff*.—In regard to the payment of the surveyors for the town allotments and farms, His Excellency authorises the under-mentioned tariff, which is the same as that of the colony, taking the “morgen” to be two British acres:—

*Tariff of Charges for Survey and Measurement.*

	£	s.	d.
Piece of ground, and dividing into small lots or erven—			
For the first four lots, each ... ..	0	12	0
For any beyond that number ... ..	0	9	0
For measuring any piece of land up to 20 acres ...	0	12	0
For every acre above 20, up to 200 ... ..	0	0	1½
For 200 acres ... ..	1	14	6
For every acre beyond 200, as far as 1,000 ...	0	0	0¾
For a thousand acres ... ..	4	4	6
For every acre beyond 1,000 ... ..	0	0	0½
For 6,000 acres ... ..	14	12	10
For every diagram ... ..	0	12	0

34. And as respects the remuneration to be made to the surveyors for their services whilst engaged in the trigonometrical survey, His Excellency will sanction the payment of such sum for the mile or day as you may consider equitable between them and the Government.

35. *Surveyors' Diagrams*.—You will give the surveyors clearly to understand that they will be held liable to rectify any errors detected in their work after they shall have delivered it to you, or to bear the expense of such rectification if it shall be found necessary to employ others.

36. Payment of survey fees must be made to you by the parties for whom the measurements are made, and the surveyors will be paid by you, when their diagrams shall have been delivered and approved by you.

37. Arrival to be reported to Major Smith, and further instructions received.

38. *Military Reserves*.—With reference to the 24th article, that no encroachment be permitted on lands required for military purposes, His Excellency desires it to be especially impressed that no lands near the reserve, whether lots in towns or farms, are to be granted or sold until you and the Commanding Royal Engineer have agreed upon the boundaries, and subject to the approval of the Commander-in-Chief; and whenever the Commanding Royal Engineer shall propose any reserve, you will pay attention to his suggestions, and you will forward your opinion to His Excellency.

I have the honour, &c.,

(Signed) J. MONTAGU.

## MAJOR SMITH TO THE SECRETARY OF THE VOLKSRAAD.

Pietermaritzburg, 24th March, 1845.

To the Secretary of the Volksraad.

SIR,—I have the honour to request you will make known to the president and members of the Volksraad that I have received a communication from the Secretary to Government directing me, by desire of His Excellency the Governor, to state to that body, in reply to their letter requesting “to be informed of the decision of Her Majesty the Queen in regard to the arrangements at Port Natal,” that His Excellency would be prepared to comply with this desire, but that under the circumstances any lengthened detail would in his opinion rather be a matter of form than substance. His Excellency, however, being very anxious that a settled government should be fixed in the new province, will take care that no delay which can possibly be avoided shall take place in regard to its establishment.

In reference to the land grants in Natal, His Excellency having received the views of Her Majesty’s Government upon the subject, has appointed a Surveyor-General, with a suitable establishment, for the purpose of making the preliminary surveys; and I am desirous to add, it will give His Excellency much pleasure to be able speedily to announce the final completion of the plans of Her Majesty’s Government.—I have the honour, &c.,

(Signed) J. C. SMITH, Major,  
Commandant of Natal.



## GOVERNOR (CAPE) TO SECRETARY OF STATE.

Government House, Cape Town,  
28th March, 1845.

MY LORD,—With reference to those portions of your Lordship's despatches \* \* \* which bear on the question of lands in Natal, I have the honour to report to your Lordship the steps I have taken towards the settlement of that question.

Since the receipt of the first of your Lordship's despatches above mentioned, I have thought the arrival of a Lieutenant-Governor of Natal probable, in communication with whom the views of Her Majesty's Government should be carried into effect; but the disposition to emigrate of the Natal farmers increasing during their uncertainty of their sites to land, I decided with the advice of the Executive Council to appoint at once a Surveyor-General, and the subordinate officers of the Survey Department, to proceed to Natal and carry into effect your Lordship's instructions. That I had authority to make this appointment, I inferred from your Lordship's despatch of 1st September, 1844, suggesting Mr. C. Bell to me as a competent person to hold it. To that gentleman I offered it; but he preferring to remain in the colony, it was accepted by Dr. Wm. Stanger, of the Road Department, in whose ability I have entire confidence. I consequently appointed that gentleman Surveyor-General of Natal, subject to your Lordship's approval, by an instrument dated 17th February, 1845, with a salary of £400 per annum and travelling expenses. I have also appointed Mr. D. W. Hertzog to be clerk, and Mr. E. McGill to be draftsman, each with a salary of £135 per annum; and I have named Mr. L. Cloete and Mr. C. Piers to be contract surveyors for Natal.

Dr. Stanger received half-salary as road surveyor of this colony and half-salary as Surveyor-General of Natal from 2nd January, the date of his leaving the Road Department, to 23rd February. \* \*  
[Here follow details as to pay.]

I enclose a copy of the instructions to Dr. Stanger, which have been partly modified by an additional instruction in consequence of a despatch received subsequently from your Lordship, dated 31st October. \* \* \*

There are points to which I must direct your Lordship's attention. First, the size of the farms in schedules A and B. In despatch of 27th July, 1844, your Lordship expressed an opinion that in the settlement of past claims the grant should be limited to 3,000

acres, unless I should be deliberately of opinion that this would be likely to produce a renewed emigration of the Boers. This opinion refers to both schedules A and B. In all future cases your Lordship proposed that farms should be limited to 2,000 acres. Having this limited discretion, and being, from information received from Natal, deliberately of opinion that the Boers would extensively emigrate again if the larger-sized grant were not allowed them, I resolved, with the unanimous advice of the Executive Council, to fix the size at 6,000 acres; for, as this has been the usual size of the farms, it was thought that a deviation would be charged as a non-fulfilment (to these claimants of schedule A) of the expectations they had been led by the language of Government to entertain. But with respect to schedule B, the size of 2,000 acres was thought sufficient, and the instructions to the Surveyor-General were framed accordingly.

Your Lordship's subsequent despatch No. 135, of 31st October, 1844, repeats the former instructions that no grant should exceed 1,500 morgen; but as there still existed the same reason which induced me to decide that the farms in schedule A should be 6,000 acres, and moreover as that decision had become known, I came to the conclusion, with the advice of the Council, that it was prudent to act still on the discretion allowed me in the former despatch, and to leave the instructions to the Surveyor-General unaltered on this point.

By comparing the results of the two systems of allotment, your Lordship will perceive that the difference in the amount of land which would be granted under them is not very great. If all the claimants in schedules A and B received 3,000 acres each, the total would be 1,113,000 acres. But if those in schedule A receive 6,000 and those in B 2,000, the total would be 1,534,000. The difference in the results would be 421,000, a comparatively small amount.

I trust, therefore, that under the peculiar circumstances of the case your Lordship will judge that I have rightly exercised the discretion allowed me.

The other point to which I have to allude is the tenure on which the leases should be held. Your Lordship is of opinion that the principle of quitrent ought not to be introduced; but that, on the payment of £50, each grant of 1,500 acres should issue, and smaller grants on the payment of a proportionately smaller fee, the parties entitled to the larger grant being allowed to accept a smaller one, should they object to the payment of £50.

The peculiar circumstances of Natal, and especially the extreme

scarcity of money there, render this plan impracticable in the opinion of the Executive Council. I have, therefore, adopted another course, as shown in articles 18 and 19 of the instructions to the Surveyor-General of Natal, and a further explanatory instruction under date 11th March. By this plan, the grantees in schedule A will receive farms not exceeding 6,000 acres on payment of cost of survey, and subject to a quitrent of £4 per annum for 6,000 acres, which they may redeem at 15 years' purchase. And I have further directed that since the grantees in schedule B cannot pay a proportionate sum of £20 for their grant of 2,000 acres, and would be greatly discontented with a reduction of the size of their grants, the same principle of a proportionate quitrent shall be applied.

But under both schedules it is permitted to the grantees to accept smaller grants than the respective maximum amounts, at proportionately reduced payments, either of quitrent or the price of its redemption.

I have been driven by the peculiar circumstances of the country to this deviation from your Lordship's instructions, and I trust, therefore, to receive an approval of the course adopted.

In other points I have conformed to the instructions, and have only to add the order of survey which I have directed to be observed. The contract surveyors, whom I hope to increase to four, will first be employed in the measurement of the townships of D'Urban, Congella, Pietermaritzburg, and Weenen; and during this time the Surveyor-General will make himself acquainted with the general features of the country, and determine the first operations of the trigonometrical survey. When the townships are finished, surveyors will lay down, under the Surveyor-General's superintendence, such triangles as shall be absolutely necessary for the demarcations of the farms, and then proceed at once to fix the boundaries of the allotments, beginning with the most populous districts. By this course both the expenses of the survey will be levied equally on the chest, and the least possible delay will take place in assigning their respective grants to the grantees in schedules A and B.

I have also directed that English measures shall be exclusively used in the Survey Department in Natal.—I have the honour, &c.,

(Signed) P. MAITLAND.

[NOTE BY MAJOR ERSKINE.—By a despatch from the Colonial Office, Lord Stanley approves of the whole of this letter, and Sir P. Maitland by Letters Patent appoints Dr. Stanger Surveyor-General. —Date, 17th of February, 1845.]



SIR P. MAITLAND TO THE RIGHT HON. LORD STANLEY,  
SECRETARY OF STATE.

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Government House, Cape of Good Hope,

18th April, 1845.

MY LORD,—In compliance with the instructions conveyed to me in your Lordship's despatch No. 149, 17th December, 1844, I have the honour to report my opinion on the suggestions of Her Majesty's Chargé d'Affaires at the Hague, relative to the Amsterdam society for the protection of the religious wants of Natal, and also in regard to the funds which might be made available for carrying out the objects of that society.

Mr. Hudson's suggestions are three in number. The first, that he should be allowed privately to pay to Mr. Voorst, secretary to the society, the sum of £300, the amount lost by him through the failure of the "Brazilia's" voyage, whereby his co-operation, and that of another influential member of the society, might be secured in any measures which Her Majesty's Government might propose to the society; the second, that Her Majesty's Government should lay out a sum of money in the purchase of books to found a library for the Boers, in order to remove the irritation which yet exists in the minds of some members of the society; and the third, that the society should be allowed to nominate a minister and schoolmasters for Natal, whose outfit and salaries should be defrayed by Her Majesty's Government.

These suggestions seem to assume that the society in question possesses such influence over the minds of the Natal Boers as to render it desirable to gain the good-will and co-operation of its members in any practical way, even by a pecuniary gift. My enquiries do not lead me to believe that there is any solid ground for this idea, nor that the personal good-will of the society is of the slightest consequence as regards the allegiance of the Boers to the British Government.

I must further remark that, after reading the documents which bear on the voyages of the "Brazilia" and the society's connection with that vessel, especially Major Smith's letter enclosed in Sir G. Napier's despatch to your Lordship No. 105, 22nd June, 1843; and observing the partial and disagreeing statements and indirect proceedings of the society in regard to its mercantile speculations and the mission of Mr. Ham and the schoolmaster Martins, whose passports were made out, not for Natal, but for England, it appears to me

impossible to feel much confidence in the intentions or judgment of the society. Besides, the society is but a private and unrecognised one got up for the occasion, and composed of persons who have, if not a political at least a commercial in addition to a religious object; and it therefore is, in my opinion, scarcely entitled to such consideration as to be made the principal instrument of constituting the Dutch clerical and educational establishment of Natal; and it may not be useless to point out, in proof of the irregularity and unapproved character of its proceedings, that Mr. Ham, the person selected and commissioned by it to discharge the ministerial office, was only a licentiate, and not an ordained minister, such as the regular ecclesiastical bodies in Holland would have sent out to a sphere like Natal, where ordination could not be obtained.

These objections to treating with the society being in your Lordship's knowledge, I know of nothing to outweigh them, excepting it were the fact that schoolmasters and ministers could not be procured for the Boers of Natal except through its instrumentality. But this I believe is by no means the case; on the contrary, it appears to me that they may be obtained in other ways, and much more advantageously, than by accepting the nominations of a society so constituted, and whose proceedings hitherto have been marked by so many suspicious circumstances.

It is true that there are not at present in the colony, nor soon expected, any available persons for these offices; so that the most desirable way of filling them, viz., by the appointment of British subjects, is at present impossible. But there are regularly constituted and recognised ecclesiastical societies in Holland for the express purpose of sending out qualified ministers and schoolmasters for the members of the Dutch Reformed Church in distant lands; and to one of these your Lordship would perhaps think it safer to have recourse than to the society of which Mr. Swart is president. Should your Lordship be of this opinion, I would venture to name the Rotterdam Missionary Society, as one whose character stands high, both with regard to its conductors and the religious teachers whom it selects, and which numbers among its directors the admirable senior Dutch minister of the colony, the Rev. A. Faure. Could an ordained minister and three schoolmasters be thus furnished for Natal it would be of great benefit to the Dutch inhabitants of that province.

The secretary of the Rotterdam Missionary Society is the Rev. Mr. Hugenholtz.

I do not deem that the time is yet ripe for the foundation of a library for the use of the Boers at Natal at the public expense; they are not yet in a condition to profit by such an institution.

In respect of the funds which might arise from local taxation to defray the expenses of ministers and schoolmasters at Natal, I cannot give your Lordship any definite information till the arrival of a Lieutenant-Governor, and the constitution of the local authorities or the heemraden of that settlement. But as this is among the most important applications of the revenue, I should hope that sufficient funds will be procured for the maintenance of one minister at £200 per annum, and of three schoolmasters, who should also be catechists, at about one hundred pounds (£100) per annum each, and such an establishment under the present circumstances of the country would, I conceive, be sufficient for the Dutch population.

I have the honour, &c.,

(Signed) P. MAITLAND.

LORD STANLEY TO SIR P. MAITLAND.

Downing-street, 26th July, 1845.

Lient.-General Sir P. MAITLAND, K.C.B., &c.

SIR,—I have received your despatch No. 58 of 28th March last, reporting the measures which you had taken with respect to the lands at Natal.

I approve of the appointment of Dr. William Stanger as Surveyor-General at Natal, with a salary of £400 per annum, and of the other officers appointed to his department, with the salaries and allowances assigned to them respectively, and of the sum expended for purchase of instruments for the use of his department.

I approve likewise of your having acted on the discretionary power which was given to you of fixing the grants under schedule A at 6,000 acres; and under the circumstances stated by you I do not object to the further modification which you have authorised in my instructions by making the lands subject to a quitrent redeemable at fifteen years' purchase. I have observed with pleasure the satisfactory manner in which you have adjusted the complicated claims to land at Natal.—I have, &c.,

(Signed) STANLEY.



ADDRESS TO MAJOR J. C. SMITH, 27<sup>TH</sup> REGIMENT,  
RECENTLY COMMANDANT OF NATAL, &c., &c.

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Pietermaritzburg, 18th August, 1845.

SIR,—The undersigned, inhabitants of Pietermaritzburg, having been informed that you are about to return to your fatherland, cannot allow you to leave this place, where you have resided the last two years, without expressing to you our sincere regret at your departure, in consequence of the satisfaction you have given both to us and the inhabitants at large in your official and private conduct.

Having had ample opportunity to judge of your disposition towards the inhabitants of this new colony, we feel assured that, had any power been given you to do so, you would have found it no difficult task to have rendered them your best services, and that, too, without losing sight for a moment of your duty to your Queen and your Government; nor can we overlook the fact that your military authority has been so enforced as to preserve the most friendly disposition on the part of the inhabitants generally towards your fellow-officers and the men under your command; while, with respect to yourself, by your obliging and gentlemanly manners, and by your readiness at all times to render to all our fellow-colonists such services as were in your power, you have secured their best respect and most unfeigned regard.

We believe that you deplore with us the unsettled and excited state of the country, and the circumstances which may have given rise to the same, and we therefore venture to express the hope that you will continue to feel such interest in this young but much neglected settlement as to aid Her Majesty's Government with such advice as your acquaintance and experience unquestionably entitle you to offer, and by which a satisfactory termination of our present anxieties may be facilitated.

We wish you a prosperous voyage home, a pleasant meeting with relatives and friends, and happiness without end.

Your very humble servants and well-wishers.

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MAJOR SMITH'S REPLY TO ADDRESS.

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Pietermaritzburg, 21st August, 1845.

GENTLEMEN,—I receive with feelings of peculiar gratification the address you have been pleased to present to me on the occasion of my departure from among you. During the period I have held

authority in this colony, many circumstances have arisen calculated to cause a diversity of opinion as to the manner in which the duties assigned to me were administered; and it affords me sincere pleasure to learn, when I am on the eve of leaving it, that I carry with me the esteem of its inhabitants. Limited as were my powers, you do me but justice to believe that, had greater ones been entrusted to me, they would have been dedicated to the service of a country to which, for many reasons, I feel deeply attached; and I beg to assure you that, if the opportunity is afforded me, my humble efforts shall not be wanting to direct the attention of Her Majesty's Government to this fine settlement, which only asks a fostering hand to render it at no distant period a prosperous and still advancing colony.

Allow me, gentlemen, to offer you my sincere thanks for your kind and warm-hearted address, and accept in return my most cordial wishes for your future welfare.

Your faithful friend and servant,

(Signed) J. C. SMITH, Major, 27th Regt.

#### PROCLAMATION

By His Excellency Lieutenant-General Sir PEREGRINE MAITLAND, Knight Commander of the Most Honourable Military Order of the Bath, of the Royal Military Order of William of the Netherlands, and of the Imperial Order of St. Vladimir of Russia, Colonel of Her Majesty's 17th Regiment of Foot, Governor and Commander-in-Chief of Her Majesty's Castle, Town, and Settlement of the Cape of Good Hope, South Africa, and of the Territories and Dependencies thereof, and Ordinary and Vice-Admiral of the same, Commanding the Forces, &c., &c., &c.

WHEREAS Her Majesty the Queen has been graciously pleased by certain Letters Patent bearing date the 31st day of May, in the seventh year of her reign, to annex to this Settlement of the Cape of Good Hope, as a part and portion thereof, the District of Natal, South Africa, as by the said letters patent, which I have caused to be published for general information at the foot hereof, will appear; and whereas I have been authorised and instructed by her said Majesty to signify by proclamation the limits for the time being of the said district so annexed as aforesaid:

Now, therefore, I do hereby, in Her Majesty's name and by her authority, proclaim, declare, and make known that the said district of Natal shall henceforth, and until some other and further provision be made by her said Majesty in that behalf, include, comprehend,

and denote all and singular the territory or territories lying and being within the limits following:—That is to say: Within a line on the north-east from the mouth of the River Tugela along the right bank of that river to the junction of the said river with the River Umzimyati; from thence along the right bank of the said last-mentioned river to its source in the Draaksberg or Kahlamba Mountains; from thence in a direct line along the south-eastern base of the said mountains to the source of the principal western branch of the Umzimkulu River; from thence along the said branch to its junction with the other branch or branches of the said last-mentioned river; from thence along the last-mentioned river to where it empties itself into the sea; and from thence along the sea to the mouth of the Tugela River aforesaid.

GOD SAVE THE QUEEN!

Given under my hand and the Public Seal of the Settlement, at Cape Town, Cape of Good Hope, this 21st day of August, 1845.

(Signed) P. MAITLAND.

By command of His Excellency the Governor,

(Signed) JOHN MONTAGU,  
Secretary to Government.

VICTORIA, BY THE GRACE OF GOD, OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND, QUEEN, DEFENDER OF THE FAITH: TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

WHEREAS by Letters Patent under the Great Seal of our United Kingdom of Great Britain and Ireland, bearing date at Westminster, the nineteenth day of December, one thousand eight hundred and forty-three, in the seventh year of our reign, we did constitute and appoint our trusty and well-beloved Sir PEREGRINE MAITLAND, Knight Commander of the Most Honourable Military Order of the Bath, Lieutenant-General of our Forces, to be our Governor and Commander-in-Chief in and over our Settlement at the Cape of Good Hope, in South Africa, with its territory and dependencies, as also of the castle and all forts and garrisons erected or established, or which should be erected or established, within the said settlement, territories, and dependencies:

And whereas, since the date of the said recited Letters Patent, it hath seemed good to us to annex to the said Settlement of the Cape of Good Hope the territories occupied by our subjects throughout the District of Natal, in South Africa: Now know ye that we, of our especial grace, certain knowledge, and mere motion have annexed,



and do hereby annex, the said District of Natal to our said Settlement of the Cape of Good Hope as a part and portion thereof.

Provided, nevertheless, and we do hereby declare our pleasure to be, that no law, custom, or usage now in force within our said Settlement of the Cape of Good Hope shall, by virtue thereof, extend to or become in force within the said District of Natal, and that no Court or Magistrate of or within our said Settlement of the Cape of Good Hope shall by force or virtue hereof acquire or hold or exercise any jurisdiction within the said Colony of Natal, but that it shall be competent to and for the Legislature of our said Settlement of the Cape of Good Hope to make, ordain, and establish all such laws and ordinances as to them shall seem meet for the peace, order, and good government of the said District of Natal, whether in conformity or not in conformity with the laws, ordinances in force within the other parts of our said Settlement of the Cape of Good Hope, any letters patent, charters, orders in Council, local ordinances, or other law or usage to the contrary notwithstanding. Provided, always, that all laws and ordinances so to be made as aforesaid, for the peace, order, and good government of the said District of Natal, shall be so made, in such and the same manner, and with, under, and subject to all such and the same conditions, restrictions, and reservations as are or shall be in force within our said Settlement in respect to the making of laws and ordinances for the peace, order, and good government of the other parts thereof. And we do hereby reserve to ourselves full power and authority to revoke or alter these presents, as to us shall seem meet.

In witness whereof, we have caused these our letters to be made patent.

Witness ourself at Westminster, this thirty-first day of May, in the seventh year of our reign.

By Writ of Privy Seal,  
(Signed) EDMUNDS.

#### PROCLAMATION

By His Excellency Lieutenant-General Sir PEREGRINE MAITLAND, Knight Commander of the Most Honourable Military Order of the Bath, of the Royal Military Order of William of the Netherlands, and of the Imperial Order of St. Vladimir of Russia, Colonel of Her Majesty's 17th Regiment of Foot, Governor and Commander-in-Chief of Her Majesty's Castle, Town, and Settlement of the Cape of Good Hope, in South Africa, and of the

Territories and Dependencies thereof, and Ordinary and Vice-Admiral of the same, Commanding the Forces, &c., &c., &c.

WHEREAS in and by a proclamation bearing equal date with these presents, I have referred to certain Letters Patent of Her Majesty the Queen, annexing the District of Natal to the Settlement of the Cape of Good Hope as a part and portion thereof, and have also declared and made known the limits which for the time being Her Majesty has been pleased to assign to the said district; and whereas there is reason to apprehend that ignorant persons may mistake, and that evil-minded persons may misrepresent, the true nature and effect of the said proclamation, and may treat and consider, or may affect to treat and consider, the same as a tacit renunciation of the Royal authority of her said Majesty over such of her subjects as may remove to or reside in territories beyond the limits of the said district; and whereas any such impression upon the part of any of Her Majesty's subjects would be wholly irrational and unfounded, and productive of the most dangerous consequences to all who should presume to act upon it:

Now, therefore, I do hereby proclaim, declare, and make known, for the warning and information of all whom it may concern, that Her Majesty the Queen, by graciously establishing in the District of Natal a settled form of government, is not to be understood as in the least renouncing her rightful and sovereign authority over any of her subjects residing or being beyond the limits of the said district; that while such of her subjects as shall peaceably reside within the said limits shall enjoy a degree of protection which cannot be afforded to others resident beyond the same, the latter, if guilty of crimes or offences, will be equally amenable to justice and exposed to punishment; that the act of parliament passed in the reign of his late Majesty King William IV. for the prevention and punishment of offences committed by British subjects within territories adjacent to the Cape of Good Hope will still remain in full force and operation in regard to all such subjects as last aforesaid, and that the establishment in the District of Natal of an efficient Government and administration of justice, instead of countenancing any idea that Her Majesty had abandoned her avowed determination not to permit any of her subjects, wherever resident, to affect independence, or act without control, will powerfully tend, in connection with other arrangements lately entered into, and now in progress of completion, to repress any tendency to violence or injustice amongst any of her subjects sojourning beyond Her Majesty's dominions, and secure the

peace and good order of every portion of South Africa in which such subjects may have settled.

GOD SAVE THE QUEEN!

Given under my hand and the public seal of the Settlement, at Cape Town, Cape of Good Hope, this 21st day of August, 1845.

(Signed) P. MAITLAND.

By command of His Excellency the Governor,

(Signed) JOHN MONTAGU,  
Secretary to Government.

## PORT NATAL.

No. 12, 1845.

(Signed) P. MAITLAND.

### ORDINANCE

Enacted by His Excellency the Governor of the Cape of Good Hope, with the advice and consent of the Legislative Council thereof,  
“For establishing the Roman-Dutch Law in and for the District of Natal.”

WHEREAS it has pleased Her Majesty the Queen by certain Letters Patent bearing date the 31st day of May, in the seventh year of her reign, to annex to this settlement of the Cape of Good Hope, as part and portion thereof, the District of Natal in South Africa: And whereas, by the said Letters Patent, it is amongst other things provided, that no law, custom, or usage in force within this settlement should, by virtue merely of the said Letters Patent, extend to or become in force within the said District of Natal, but that it should be competent to the Legislature of this settlement, subject to the limitations, conditions, and provisions in the said Letters Patent mentioned or referred to, to make, ordain, and establish all such laws and ordinances as to them shall seem meet for the peace, order, and good government of the said District of Natal: And whereas His Excellency the Governor has declared by proclamation, dated 21st August, 1845, by him issued in virtue of certain authority in that behalf in him vested, the limits or boundaries of the said District of Natal, and has defined the territory or territories which constitute that district: And whereas it is expedient, without awaiting the legislative establishment within the said district of the Court or Courts for the administration of justice which is or are now about to be created, to make provision for the establishment of such laws as are immediately required for the preservation in the meantime of



peace and good order, and the repression of violence, injury, and injustice among all persons resident in the said district :

Be it therefore enacted by the Governor of the Cape of Good Hope, with the advice and consent of the Legislative Council thereof, that the system, code, or body of laws commonly called the Roman-Dutch Law, as the same has been and is accepted and administered by the legal tribunals of the Colony of the Cape of Good Hope, shall be and is hereby established as the law of the District of Natal (as the said district shall from time to time be limited and defined by, or on behalf of Her Majesty the Queen) and of Her Majesty's subjects and all others residing and being within the said district : Provided, however, that nothing herein contained shall be deemed or taken to establish within the said district any laws or ordinances hereintofore at any time made or passed in this colony, by or through the local Government or Legislature thereof, or to give any existing Court or Magistrate of the said colony any jurisdiction or authority over or in regard to the said district, or to prevent the said system, code, or body of law from being hereafter added to or altered in regard to the said district by any competent authority.

And be it enacted that it shall and may be lawful for the Governor aforesaid to address to any one or more of Her Majesty's subjects residing within the said district, one or more Commission or Commissions authorising him or them to exercise within such district the office of a Magistrate, for the purpose of preventing the perpetration therein of any crimes or offences punishable by law, and for the purpose of arresting and committing to custody for trial before the certain Court or Courts now about to be established within the said district, any person or persons charged on sufficient evidence with the commission of any crimes or offences within the said district, which shall have been committed after the date of the publication of this ordinance in the *Government Gazette*, as hereinafter mentioned.

Provided, always, that every such commission shall be revocable at pleasure, and provided also that any person committed for trial by any such Magistrate who shall not be brought to trial within six months from the date of his commitment shall at the expiration of such term of six months be discharged from custody on entering into his own recognizance, conditioned in such sum as shall appear just and reasonable, to appear before such Court or Courts as aforesaid when duly summoned to do so, there to answer to any such charge as may be preferred against him.

And be it enacted that this Ordinance shall commence and take effect from and after the date of the promulgation thereof by publication thereof in the *Government Gazette*.

GOD SAVE THE QUEEN!

Given at the Cape of Good Hope, this twenty-seventh day of August, 1845.

By command of His Excellency the Governor,

(Signed) JOHN MONTAGU,  
Secretary to Government.

By order of the Legislative Council,

(Signed) K. B. HAMILTON,  
Clerk of the Legislative Council.

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GOVERNOR (SIR P. MAITLAND) TO SECRETARY OF STATE.

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Government House, Cape of Good Hope,  
1st October, 1845.

To the Right Honourable the Lord Stanley.

MY LORD,—In obedience to your despatch of 8th May last, directing me to take measures to form a Civil Government at Natal by the provisional appointment of the necessary officers, I lost no time in bestowing my most careful attention on the subject, that I might carry out, as far as the means at my disposal would allow, the wishes of Her Majesty's Government, both as to the offices to be created, the salaries to be attached to them, and the persons who should be selected to fill them. In every point I have taken the advice of my Executive Council, and I have now the honour to report, for your Lordship's information and approval, what I have already done. The following officers, with the respective emoluments, have been deemed absolutely essential to the constitution of the Natal Government:—

1. A Lieutenant-Governor—salary £800, and £100 for a house.
2. A Recorder—salary £600, and £100 for a house.
3. A Secretary to Government, who shall also be Treasurer and Registrar of Deeds, at a salary of £500 per annum.
4. A Crown Clerk, at a salary of £300 per annum.

The office of Lieutenant-Governor I have offered to Mr. West, the Civil Commissioner of Albany, by whom it has been accepted.

Mr. Henry Cloete, the late Commissioner to Natal, and the only advocate at the Colonial bar to whom I could offer the appointment, has undertaken the office of Recorder.

The office of Secretary to Government, after being declined by Mr. J. J. le Sueur, on account of the smallness of the salary, has been accepted by Mr. Donald Moodie, the late Acting Civil Commissioner at George.

The office of Crown Clerk has not yet been filled, and I shall await the arrival of Mr. West before I make the appointment.

I must impress on your Lordship that these salaries are the very lowest which I have thought, with the full concurrence of my Council, it was decent in Government to offer for the corresponding services, and for which persons of any competency could be obtained. And with respect to the choice of the persons whom I have provisionally appointed and now present to your Lordship for confirmation, I can only assure your Lordship that I have endeavoured to make the best selection which the limited resources of the colony placed within my power.

I shall hasten as much as possible the departure of these officers for Natal, and whatever further is done shall be early reported to your Lordship.

At present I have only to add that, as I learn from Major Smith, the late Commandant at Natal, that the immediate appointment of an agent to deal with the large native population of that settlement is absolutely necessary, I intend to transfer to that office Mr. Shepstone, the present Government Agent at Fort Peddie, who has already expressed his wish to be moved thither, and who, from his knowledge of the native language and customs, is better fitted than any other person I am acquainted with to discharge the duties of such an office efficiently.—I have the honour, &c.,

(Signed) P. MAITLAND.

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LORD STANLEY TO SIR P. MAITLAND, K.C.B.

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Downing-street, 15th October, 1845.

Lieut.-General Sir P. MAITLAND, K.C.B., &c., &c., &c.

SIR,—I have received your despatch No. 70, of 18th April, stating your objections to treating with the society at Amsterdam for the protection of the religious wants of the inhabitants of Natal, Cape of Good Hope, and suggesting that an application should be made to the Rotterdam Missionary Society.

Having referred your despatch to the Earl of Aberdeen, I now transmit for your information the copy of a despatch addressed to His Lordship by Her Majesty's Minister at the Hague, reporting



the result of his inquiries respecting the Rotterdam Missionary Society.

I have requested Lord Aberdeen to apprise Sir E. Disbrowe that, in consequence of his representations, I must decline altogether to enter into any relations with that society.

I have the honour, &c.,

(Signed) STANLEY.

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#### LORD STANLEY TO SIR P. MAITLAND.

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Downing-street, 3rd November, 1845.

SIR,—I have received and laid before the Queen your despatch No. 106, of 1st August, transmitting a memorial from some of the inhabitants of Cape Town, praying for the establishment of civil and judicial institutions at Port Natal. You will acquaint the memorialists that Her Majesty was pleased to receive their memorial very graciously. \* \* \*

(Signed) STANLEY.

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#### SIR P. MAITLAND TO LORD STANLEY.

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Government House, Cape of Good Hope,  
24th November, 1845.

MY LORD,—In reporting to you the appointments which I had made under your Lordship's general instructions at Natal, I intimated that I contemplated the removal thither of Mr. Theophilus Shepstone, Diplomatic Agent to the T'Slambie, Congo, and Fingo tribes, that he might be Diplomatic Agent to the very large body of natives in the District of Natal.

I have now the honour to apprise your Lordship that I have carried this intention into effect, and provisionally appointed Mr. Shepstone as Diplomatic Agent to the Native Tribes residing within the District of Natal, with a salary of £300 per annum, and to submit his appointment for Her Majesty's gracious confirmation.

I have the honour, &c.,

(Signed) P. MAITLAND.

## SIR P. MAITLAND TO SECRETARY OF STATE.

Government House, Cape of Good Hope,

1st December, 1845.

MY LORD,—I have the honour to report that I have issued commissions to be Special Magistrates under the Act of Parliament, 6 and 7 of William 4th, Cap. 27, to the following persons:—

His Honour MARTIN WEST, Esq., Lieutenant-Governor of Natal.

DONALD MOODIE, Esq., Secretary to Government Natal.

WALTER HARDING, Esq., Crown Prosecutor, Natal.

THEOPHILUS SHEPSTONE, Esq., Diplomatic Agent to the Native Tribes residing within the said District.

Major SMITH, 27th Regt., Frontier Agent-General and Frontier Commissioner for the Kafir Tribes on the Eastern Frontier.

Captain MACLEAN, 27th Regt., Diplomatic Agent, T'Slambi, Congo, and Fingo tribes, Eastern frontier.

Captain SUTTON, Cape Mounted Rifles, British Resident among the Native Tribes N.E. of the Colony.

Copies of these commissions are herewith enclosed.

I have, &c.,

(Signed) P. MAITLAND.

## COMMISSION APPOINTING LIEUT.-GOVERNOR.

HIS EXCELLENCY SIR PEREGRINE MAITLAND, K.C.B., &c., &c., &c., TO  
MARTIN WEST, ESQUIRE.

## GREETING:

WHEREAS by a certain Commission under writ of Privy Seal, bearing date at Westminster, the 30th day of April, in the eighth year of the reign of Her Majesty Queen Victoria, her said Majesty, after reciting amongst other things that she had by certain Letters Patent, bearing date the 31st day of May, 1844, annexed the territories occupied by her subjects throughout the District of Natal, in South Africa, to her Settlement of the Cape of Good Hope, as a part or portion thereof, under such limitations and reservations as were in the said Letters Patent more particularly set forth, did by her said Commission institute and appoint that the said District of Natal

should thenceforth become a separate and distinct Government, to be administered in her name and behalf by a Lieutenant-Governor appointed by her for that purpose, by warrant under Her Majesty's sign manual and signet, to be countersigned by one of Her Majesty's principal Secretaries of State, and did further declare the Royal will to be that, in the event of the death, or absence, or incapacity of such Lieutenant-Governor, or in the event of there being no person in the said District commissioned by Her Majesty to be Lieutenant-Governor, should be administered provisionally by some person to be for that purpose appointed by the Governor and Commander-in-Chief of the said Settlement, by a commission to be for that purpose issued under the public seal of the said Settlement, which provisional appointment should continue in force until Her Majesty's pleasure should be known, and no longer; and her said Majesty did further by her said commission give and grant to the said Lieutenant-Governor for the time being, or to such person as might be provisionally appointed as aforesaid, all such powers and authorities within such District as by certain Letters Patent of the 19th December, in the seventh year of the reign of her said Majesty, were granted to and vested in me, Sir PEREGRINE MAITLAND, as Governor and Commander-in-Chief of the Settlement of the Cape of Good Hope—subject, nevertheless, to such restrictions and limitations as were set forth in the said Letters of the 31st day of May, 1844, as well as to all such orders and instructions as should be addressed to him, the said Lieutenant-Governor, by her said Majesty in the Privy Council, or under her signet and sign manual, or through one of the principal Secretaries of State, as by said commission hereinbefore in part recited, reference being thereunto had, will appear: And whereas there is not any person in the said District appointed by her said Majesty to be such Lieutenant-Governor as aforesaid:

Now, therefore, in pursuance of the powers and provisions contained in the said last-mentioned Commission of the 30th April, in the eighth year of the reign of her said Majesty, and by virtue of the authority in that behalf in me vested, I do hereby nominate and appoint you, the said MARTIN WEST, Esquire, to be her said Majesty's Lieutenant-Governor, to administer in her name and in her behalf the Government of the said District of Natal until Her Majesty's pleasure be known, and no longer.

Given at the Cape of Good Hope, &c., &c.

(Signed) PEREGRINE MAITLAND, Governor.



## INSTRUCTIONS TO LIEUT.-GOVERNOR WEST.

INSTRUCTIONS ISSUED BY HIS EXCELLENCY SIR PEREGRINE MAITLAND, GOVERNOR AND COMMANDER-IN-CHIEF OF THE COLONY OF THE CAPE OF GOOD HOPE, TO MARTIN WEST, ESQUIRE, LIEUTENANT-GOVERNOR OF THE DISTRICT OF NATAL.

1. You will receive herewith copies of my Commission and of the Royal Instructions; of the despatch of the Secretary of State relative to the powers and duties of the Lieutenant-Governor of the Eastern Districts of this Colony; of the Letters Patent annexing the District of Natal to the Colony of the Cape of Good Hope; and of the Commission under the Privy Seal by virtue of which you have been appointed.

2. From the several instruments above enumerated, as well as the correspondence between this Government and the Right Honourable the Secretary of State in reference to Natal, to which correspondence you have during your stay in Cape Town had access, and from which you have been authorised to make extracts, you will without difficulty collect Her Majesty's pleasure regarding the mode in which the Government of Natal is to be administered and the powers which belong to your important office.

3. Under these circumstances you seem to stand in need of few additional instructions; while, moreover, the Commission under which you have been provisionally appointed does not expressly authorise the Governor making such provisional appointment to anticipate Her Majesty's Instructions by issuing any instructions of his own.

4. It appears to me, however, that without entering into details, or claiming for the temporary instructions any such authority as would make them obligatory in point of law, there are one or two matters on which it is necessary that you should receive my directions.

5. You will have observed by Lord Stanley's despatch of 25th May, 1844, that Her Majesty's Government deem the existence of an Executive Council of Government at Natal to be a necessary institution, and you are also aware that the Ordinance No. 14 of 1845, creating the District Court of Natal, has in its 7th section expressly contemplated such a Council.

6. I am of opinion that, although no express authority has been in that behalf bestowed upon me, it is implied by the nature of the thing, as well as demanded for the public service, that the Lieutenant-Governor provisionally appointed should have appointed for him a provisional Executive Council also.

7. In order that you might have the advantage of selecting such officers for your Executive Council as were likely in your opinion to give you most assistance in carrying on your Government, I deemed it fitting to desire that you should submit for my consideration the names of such officers as you would recommend; and, having approved of those selected by you, I hereby appoint the Senior Officer Commanding the Troops within the District, the Surveyor-General of the District, the Collector of Customs, and the Crown Prosecutor, to be your Executive Council of Government.

8. In my opinion you, as Lieutenant-Governor of the District, should stand in regard to the Executive Council thus provisionally appointed precisely in the relations prescribed by the Royal Instructions as that in which the Governor of the Colony should stand in regard to his Executive Council, and that the meetings of the Council should be regulated in the manner directed by the Royal Instructions in reference to the Executive Council of the Cape. The minutes of Council should be recorded by the Secretary to Government, and should be transmitted in like manner as the minutes referred to in the Royal Instructions.

9. Until you shall be otherwise instructed, you will, like the Lieutenant-Governor of the Eastern Districts, correspond with the Governor of the Cape, and not direct with Her Majesty's Government.

10. Circumstances, physical as well as political, require that, with one exception (that of legislation), the Government of the district of Natal should be administered as a Government distinct and separate from that of the remainder of the Colony, and Her Majesty has been pleased to declare her will and pleasure so to be. But you will nevertheless feel yourself at liberty to address the Governor of the Cape upon any particular point on which, from its unusual nature and importance, you shall deem it necessary to receive his advice or instructions.

11. The original idea of Her Majesty's Government seems to have been that the whole civil and criminal ordinances of the Cape should by one legislative measure be carried up into Natal, leaving it to subsequent experience to suggest exceptions and repeal of what should be found unsuitable. I have been advised that, owing to the extent to which existing ordinances are dependent upon machinery purely local, their general transfer to Natal, where no such machinery exists, would leave them in a state incapable of working.

The opposite and more laborious course of adapting all necessary

ordinances to the circumstances of Natal has therefore been decided upon, and several have already been prepared, and a greater number are, as you are aware, under the consideration of the Attorney-General for the Cape.

It will be proper that you should, as soon as you conveniently can, turn your attention still further to the question, and furnish in as complete a state as possible such additional drafts of ordinances as you shall deem necessary to have enacted for the peace and good order of your Government.

12. It now only remains to instruct you on your arrival to administer to the Recorder of Natal, under the provisions of Ordinance 14, 1845, the oaths therein referred to; after which you will yourself again take the several oaths administered to you by me in Cape Town, which oaths will be administered to you by the said Recorder; and you will afterwards proceed to administer to the officers composing your Executive Council all such oaths as would have been administered to them if they had been appointed members of the Executive Council of this Colony.

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#### GOVERNOR SIR P. MAITLAND TO SECRETARY OF STATE.

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Government House, Cape of Good Hope,  
2nd December, 1845.

MY LORD,—I have the honour to report to your Lordship the steps I have taken in forming the Government of Natal since my last despatch.

I have issued to Mr. West a commission under the public seal of the Colony provisionally appointing him Lieutenant-Governor in and for the District of Natal, and have published in the "Gazette" a proclamation, &c.       \*       \*       \*

The instructions I have issued to Mr. West are also inclosed.

Mr. West having taken the oaths of office,       \*       \*       sailed for his Government on the 25th ultimo.

I have appointed the five under-mentioned officers to form an Executive Council to assist by their advice the Lieutenant-Governor, viz., the Senior Officer Commanding Her Majesty's Forces within the said District, the Secretary to Government, the Surveyor-General, the Collector of Customs, and the Crown Prosecutor.       \*       \*       \*

I have, &c.,

(Signed)       P. MAITLAND.



## ADDRESS TO LIEUTENANT-GOVERNOR WEST.

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Mission House, 6th December, 1845.

To His Honour the Lieutenant-Governor of Natal.

SIR,—As the representative of the Wesleyan body at Natal, I have great pleasure in embracing the opportunity afforded on the occasion of your Honour's arrival amongst us of expressing the high satisfaction with which, in your present position as Lieutenant-Governor of Natal, you are regarded by us; and of the esteem, and I may add affection, in which your Honour and your deservedly respected family are held by us.

With such sensibilities we look forward with the most pleasing anticipations of the happiest results; and I need scarcely assure you of our constant and most fervent prayers for the Divine blessings upon your Honour's government: that it may be long and agreeable to yourself, that it may be attended with prosperity and happiness to your people, and that it may be the means of imparting to all classes the healthful spirit of a widely-spread Christianity, without which no nation or country can be exalted.—I have, &c.,

(Signed) J. W. ARCHBELL, Wesleyan Minister.

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## REPLY TO ADDRESS.

8th December, 1845.

The Rev. J. W. ARCHBELL.

SIR,—Accept my sincere thanks for the kind manner in which you have welcomed myself and my family on my arrival in this country.

I feel much satisfaction, I assure you, in receiving the flattering sentiments of regard expressed in your communication from the representative of a body by whom, during the long period of my residence in Graham's Town, I was always treated with the utmost courtesy and consideration, and for whom it would be ungrateful not to entertain the highest esteem.

That the administration of the office which I have the honour to fill may be attended with all the good results for which your prayers are offered, is no less the anxious desire of—Yours, &c.,

(Signed) MARTIN WEST.

LIEUTENANT-GOVERNOR, NATAL, TO GOVERNOR,  
CAPE OF GOOD HOPE.

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Port Natal, 8th December, 1845.

SIR,—I take the opportunity afforded me by the departure this day of the overland mail to Graham's Town to acquaint your Excellency that I landed at this port on Thursday, 4th instant, although it is more than probable that a copy of this despatch, which I shall have the honour of transmitting to your Excellency by the first vessel leaving this place for Table Bay, will have previously reached you.

Having so recently arrived in this District, I have nothing to communicate to your Excellency, excepting that I have been received by the civil and military authorities of the place with the greatest respect and civility.

It is my intention to proceed to Pietermaritzburg to-morrow, where I shall enter upon the active duties of my office as soon as possible, with the progress of which I shall not fail to keep your Excellency well informed.—I have, &c.,

(Signed) MARTIN WEST.

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ADDRESS TO THE LIEUTENANT-GOVERNOR.

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THE HUMBLE ADDRESS OF THE INHABITANTS OF D'URBAN TO HIS HONOUR  
THE LIEUTENANT-GOVERNOR OF NATAL, &c., &c.

SIR,—It is with unfeigned satisfaction that we, the undersigned, representing the inhabitants of D'Urban, embrace the opportunity afforded by your Honour's arrival of tendering our congratulations on the very speedy and safe passage with which it has pleased Providence to favour you to one of the finest countries upon the African continent.

Sir, we beg to assure you that we feel a real pleasure in the anticipation of the future under the able management of your Honour, whose fame has preceded you to these shores and inspired us with the fullest confidence that the efforts induced by such auspices for the general advantage and improvement of this unrivalled country cannot fail to secure results the most propitious to our institutions, our policy, and our commerce.

We beg also to assure your Honour, as Her Majesty's represen-

tative here, that, recognising in the present movement, as we do, an order which from our earliest recollections we were taught to respect, we are but giving expression to the lively ebullition of our British pride in asserting our loyal satisfaction at an event which puts us in possession of the benefit of British institutions, British influences, and British rights.

With this brief record of our grateful and loyal sentiments at the present epoch, we beg in conclusion to tender to your Honour, and your amiable and much respected lady and family the most cordial welcome of our warmest affections among us.

(Signed) FIFTY-SIX SIGNATURES.

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LIEUTENANT-GOVERNOR'S REPLY.

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Port Natal, 9th December, 1845.

GENTLEMEN,—I feel much gratified to find, from the address that has just been received, that my appointment to the Lieutenant-Governorship of the District of Natal has given satisfaction to the loyal inhabitants of Durban, and that I have the good fortune to possess their confidence and esteem.

The expectation of the future prosperity of the settlement under my administration, which you have done me the honour to express in the most flattering terms, I shall endeavour to realise by seeking to give effect by all the means in my power to the benevolent designs of the British Government in annexing these territories to the British Crown, that of extending to all within them, and within the influence of them, the blessings of peace and good order, security and good government.

Gentlemen, allow me in conclusion to thank you for the trouble you have taken in waiting upon me with the address.

Yours faithfully,

(Signed) MARTIN WEST.

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ADDRESS TO LIEUTENANT-GOVERNOR.

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To His Honour MARTIN WEST, Esq.,

Lieut.-Governor, &c., Natal.

We, the undersigned, inhabitants of the Pietermaritzburg District, take the liberty most respectfully to welcome you on your arrival here to assume the high functions to which you have been appointed.



You are personally a stranger to us, but we have learned much respecting you, and hail the appointment of one who has so ably and satisfactorily fulfilled the responsible duties of a magistrate in one of the most important districts of the Eastern Province of the Cape Colony, and whose departure therefrom was so sincerely regretted by those whom he has left behind to assume the reins of Government here; and we cannot but appreciate in the highest sense the judicious selection made from among the numerous and competent persons in appointing your Honour to fulfil the arduous duties of the office you are about to enter upon; and we look to the appointment as a happy omen towards the amelioration of the deplorable condition into which this fine and promising country has been plunged by the absence of a regular Government and the want of energetic measures.

In conclusion, we beg to assure you of our most zealous co-operation towards aiding and assisting you to the utmost of our abilities in the maintenance of good order and government. And we request you will be pleased to convey to our Most Gracious Sovereign our ardent expressions of loyalty and attachment towards her person; and also that you would accept from us our best wishes for your future welfare.

(Signed) SIXTY-ONE SIGNATURES.

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LIEUTENANT-GOVERNOR'S REPLY.

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Pietermaritzburg, 13th December, 1845.

GENTLEMEN,—I thank you for the cordial reception with which you have greeted my arrival in Pietermaritzburg, and for the flattering manner in which you have introduced my name into the loyal address which you have done me the favour to present to me; and be assured that the favourable sentiments which you have expressed towards me and towards my Government have afforded me the most lively pleasure. I shall lose no time in forwarding to our Gracious Sovereign the Queen of England, whose representative in the territories of Natal I have the distinguished honour to be, the ardent expressions of loyalty and of attachment to her person of the inhabitants of Pietermaritzburg, which I know will be gratifying to Her Majesty in a high degree.

Gentlemen, the annexation of these territories to the possessions of Great Britain has been effected for a wise and good purpose: to bring all who reside in them, and all British subjects residing beyond them, within the dominion and influence of law and justice;

and it affords me the greatest satisfaction to know that, in my efforts to establish and maintain good order and good government in them, I shall receive the cordial co-operation and assistance of the loyal inhabitants of Pietermaritzburg.

Allow me, Gentlemen, again to thank you for presenting me with the address, and for the satisfaction which the sentiments it expresses have afforded me.—I am, yours faithfully,

(Signed) MARTIN WEST.

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LIEUTENANT-GOVERNOR, NATAL, TO GOVERNOR,  
CAPE OF GOOD HOPE.

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Pietermaritzburg, 15th December, 1845.

SIR,—I have the honour to inform your Excellency that I arrived in Pietermaritzburg on Friday, 12th instant, where I was received by the Officer commanding Her Majesty's troops with all honour and respect.

On the afternoon of the same day, the Recorder of the District Court of Natal was sworn in before me, after which this officer administered to me the oaths of office, which were subsequently administered by me to three of the members of the Executive Council, viz., to the Officer in command of the Troops, the Surveyor-General, and the Collector of Customs.

I have also to acquaint your Excellency that I have received three congratulatory addresses since my arrival in this District: one from the Rev. James Archbell, representing the sentiments of the Wesleyan community in Natal, one from the inhabitants of Durban, and one from those of Pietermaritzburg, copy of all of which, together with my replies, I have the honour to enclose for your Excellency's information.

I think it likewise desirable to state incidentally, that I shall most probably be under the necessity of applying to your Excellency for an augmentation of the military force of this District, particularly for the cavalry branch of it, in consequence of the numerous depredations committed upon the farmers by the native tribes, especially by the Bushmen, who are reported to be very troublesome in the vicinity of the Draaksberg, and it is thought that one or two military posts of cavalry stationed in the neighbourhood would prove of signal service in repressing these depredations, and give security to the property of the inhabitants; and it is also believed that such a

measure would induce many farmers to return to their farms who have lately withdrawn for safety beyond the Draaksberg. To a more circumstantial relation of the causes which have led me to form an opinion favourable to the extension of the military force in this District, I shall have the honour to request the special attention of your Excellency in a further despatch.

I may add that I am happy to assure your Excellency that I have every reason to be pleased at the reception given to me by the inhabitants.—I have, &c.,

(Signed) M. WEST.

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SECRETARY OF STATE TO SIR P. MAITLAND.

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Downing-street, 19th December, 1845.

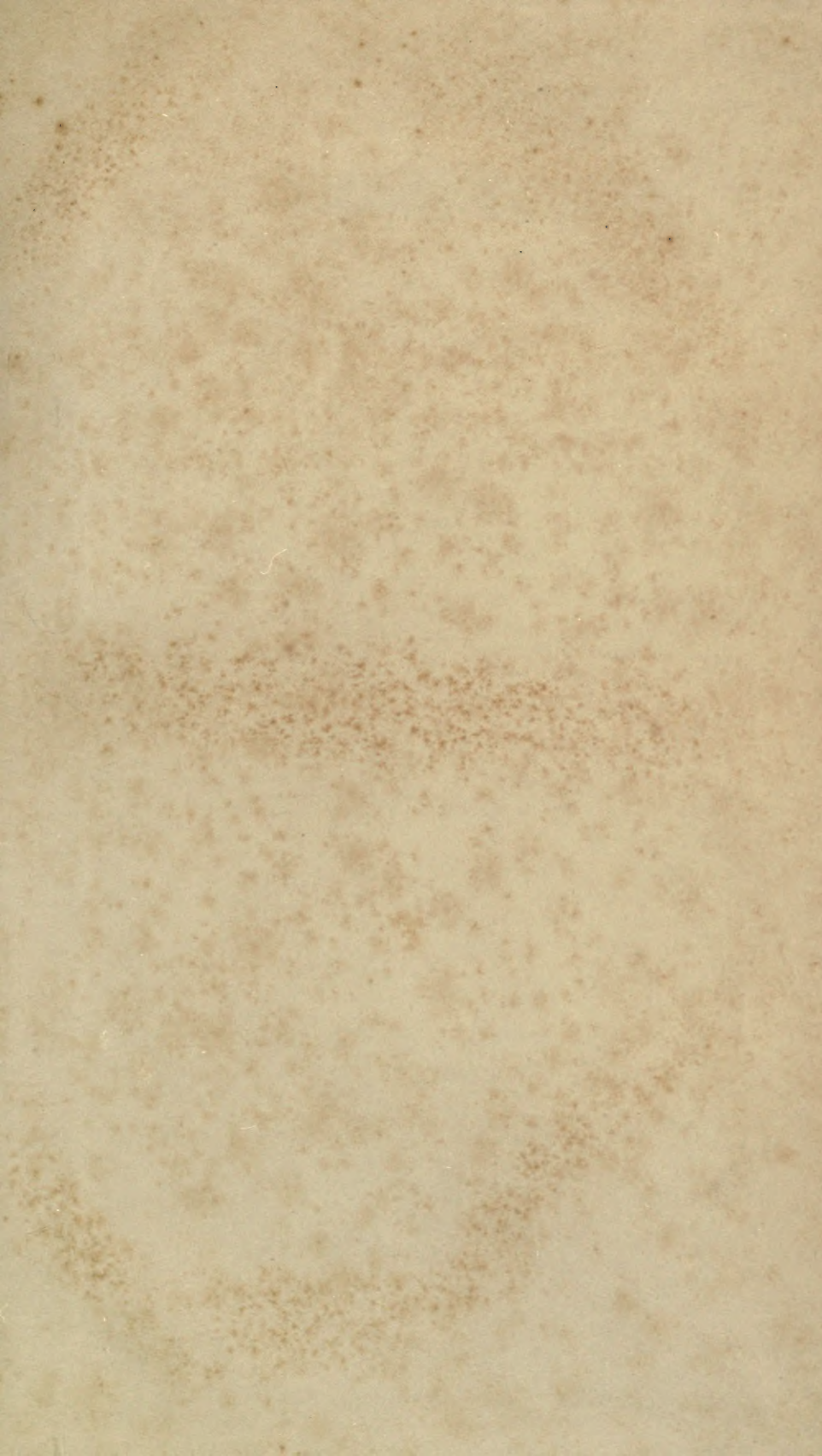
SIR,—I have received and laid before the Queen your despatch of 26th September, enclosing an Ordinance, No. 12, 1845, passed by yourself with the advice and consent of the Legislative Council of the Cape of Good Hope, entitled an “Ordinance for establishing the Roman-Dutch Law in and for the District of Natal.”

I have received the Queen’s commands to acquaint you that Her Majesty has been pleased to approve, confirm, and allow this Ordinance.

You will communicate Her Majesty’s decision to the inhabitants of the colony by a proclamation to be published in the usual and most authentic manner.—I have, &c.,

(Signed) STANLEY.





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